

THE
ASSAM JAIL MANUAL
CONTAINING
THE PRISONS ACT IX OF 1894
AND THE
RULES MADE BY GOVERNMENT
FOR THE
INSPECTION, SUPERINTENDENCE AND
MANAGEMENT OF JAILS
IN THE
PROVINCE OF ASSAM

VOLUME I

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PREFACE.

For some years past the Government of Assam have had under consideration the preparation of a new Jail Manual. The Manual at present in use has not undergone revision since it was compiled in 1899. Owing to the insertion of numerous correction slips embodying the changes made from time to time in the rules and forms, the two volumes of the present Manual have become difficult to handle. The index is also hopelessly out of date.

The arrangement of the new Manual is on the lines of the latest Madras Manual, with necessary changes to meet conditions in Assam. The work consists of two volumes, *viz.*, Volume I containing Act No. IX of 1894 and the Rules with an Index and Volume II the Appendices and the Forms of Registers, Returns, etc.

ASSAM JAIL MANUAL.

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PART I.

ACT NO. IX OF 1894 (AS AMENDED BY ACTS NOS.
XIII OF 1910, X OF 1914 AND XVI OF 1925).

*[Received the assent of His Excellency the Governor-General on the
22nd March 1894 and 23rd March 1910 respectively.]*

THE PRISONS ACT, 1894.

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THE SCHEDULE.

An Act to amend the Law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons: It is hereby enacted as follows: ~

CHAPTER I.

PRELIMINARY.

Title, extent and commencement. 1 (1) This Act may be called the Prisons Act, 1894.

(2) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santhal Purganas, and the Purgana of Spiti; and

(3) It shall come into force on the first day of July 1894.

(4) Nothing in this Act shall apply to civil jails in the Presidency of Bombay outside the City of Bombay, and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) of Bombay Act II of 1874, as amended by subsequent enactments.

2. (1) On and after the said first day of July 1894, the enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof.

Repeal. (2) But all rules and appointments made, directions given and orders issued under any of those enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of a Local Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto but does not include—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

(b) any place specially appointed by the Local Government under section 541 of the Code of Criminal Procedure, X of 1882. 1882; or

(c) any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail:

(2) "criminal prisoner" means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial;

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882, or under the Prisoners Act, 1871; X of 1882. V of 1871.

(4) "civil prisoner" means any prisoner who is not a criminal prisoner :

(5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails :

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder ;

(7) "Inspector-General" means the Inspector-General of Prisons :

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant : and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide, for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. An Inspector-General shall be appointed for the territories subject to each Local Government, and shall exercise, subject to the orders of the Local Government, the general control and superintendence of all prisons situated in the territories under such Government.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), Officers of prisons. a Medical Subordinate, a Jailer and such other officers as the Local Government thinks necessary:

Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor-General in Council, declare by order in writing that in any prison specified in the order the office of jailer shall be held by the person appointed to be Superintendent.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made, by such officer and in such manner as the Local Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

8. All officers of a prison shall obey the directions of the Superintendent ; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section 60.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings, directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison : nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Local Government, the Superintendent of a prison other than a central prison or a prison situated in a presidency town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

12. The Superintendent shall keep, or cause to be kept, the following records :—

- (1) a register of prisoners admitted ;
- (2) a book showing when each prisoner is to be released ;
- (3) a punishment-book for the entry of the punishments inflicted on prisoners for prison offences ;
- (4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison ;
- (5) a record of the money and other articles taken from prisoners ;

and all such other records as may be prescribed by rules under section 59 or section 60.

Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Local Government under section 60.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars so far as they can be ascertained, namely :—

- (1) the day on which the deceased first complained of illness or was observed to be ill,
- (2) the labour, if any, on which he was engaged on that day,
- (3) the scale of his diet on that day,
- (4) the day on which he was admitted to hospital,
- (5) the day on which the Medical Officer was first informed of the illness,
- (6) the nature of the decease,
- (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate,
- (8) when the prisoner died, and
- (9) (in cases where a *post-mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

Jailer.

16. (1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

Jailer to give notice of death of prisoner. 17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

Responsibility of Jailer. 18. The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

19. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. Where an Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder.

Powers of Assistant
Jailers.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

Duties of gate-keeper.

22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer.

Subordinate officers not to be absent without leave.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.

XIV of 1860.
Convict officers.

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may be brought into the prison with proper authority by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

27. The requisitions of this Act with respect to the separation of prisoners are as follows :—

Separation of prisoners.

- (1) In a prison containing female as well as male prisoners the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;
- (2) in a prison where male prisoners under the age of twenty-one* are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;
- (3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoner; and
- (4) civil prisoners shall be kept apart from criminal prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Association and segregation of prisoners.

29. No cell be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

Solitary confinement.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

Prisoners under sentence of death.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners and shall be placed by day and by night under the charge of a guard.

*Act VI of 1930.

CHAPTER VI.

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General.

32. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

HEALTH OF PRISONERS.

37. (1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body Sick prisoners. shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer.

(2) The Jailer shall without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the Record of directions of Medical Officers. exception of orders for the supply of medicines of directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoners' history-ticket or in such other record as the Local Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

Hospital. 39. In every prison a hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

VISITS TO PRISONERS.

40. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

Visits to civil and unconvicted criminal prisoners.

41. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission ; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Local Government may direct.

CHAPTER X.

OFFENCES IN RELATION TO PRISONERS.

42. Whoever, contrary to any rule under section 60, introduces

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing

Power to arrest for offence under section 42.

section, and refuses on demand of such officer to state his name and residence, or gives a name or

residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a police officer, and thereupon such police officer shall proceed as if the offence had been committed in his presence.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and

Publication of penalties.

the vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

CHAPTER XI.

PRISON OFFENCES.

Prison offences. 45. The following acts are declared to be prison offences when committed by a prisoner :—

- (1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison offence ;
- (2) any assault or use of criminal force ;
- (3) the use of insulting or threatening language ;
- (4) immoral or indecent or disorderly behaviour ;
- (5) wilfully disabling himself from labour ;
- (6) contumaciously refusing to work ;
- (7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority ;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment ;
- (10) wilful damage to prison-property ;
- (11) tampering with or defacing history-tickets, records or documents ;
- (12) receiving, possessing or transferring any prohibited article ;
- (13) feigning illness ;
- (14) wilfully bringing a false accusation against any officer or prisoner ;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official ; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

46. The Superintendent may examine any such offences of person touching any such offence, and determine thereupon, and punish such offence by—

- (1) a formal warning.

EXPLANATION.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket ;

- (2) change of labour to some more irksome or severe form ; for such period as may be prescribed by rules made by the Governor-General in Council ;
- (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment ;

- (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Governor-General in Council;
- (5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months;
- (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor-General in Council;
- (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor-General in Council;
- (8) separate confinement for any period not exceeding three months;

EXPLANATION.—Separate confinement means such confinement with or without labour as excludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

- (9) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local Government;

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

- (10) cellular confinement for any period not exceeding *fourteen days*.

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement;

EXPLANATION.—Cellular confinement means such confinement with or without labour as entirely excludes a prisoner from communication with, but not from sight of, other prisoners;

- (11) penal diet as defined in clause (9) combined with cellular confinement;
- (12) whipping, provided that the number of stripes shall not exceed thirty;

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

47. Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely:—

- (1) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section;

- (2) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with cellular confinement;
- (3) cellular confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable;
- (4) whipping shall not be combined with any other form of punishment except cellular or separate confinement or loss of privileges admissible under the remission system.
- (5) (a) No punishment shall be combined with any other punishment in contravention of rules made by the Governor-General in Council.
- (b) No punishment shall be awarded for any such offence, so as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

Award of punishments under sections 46 and 47.
(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

49. Except by order of a Court of Justice, no punishment, other than the punishments specified in the foregoing sections, shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

50. (1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment book prescribed in section 12.

Medical Officer to certify to fitness of prisoner for punishment.
(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. (1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-

Entries in punishment-book.

offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Jailer and Superintendent shall affix their initials as evidence of the correctness of the entries.

52. If any prisoner is guilty of any offence against prison discipline

Procedure on committal of heinous offence. which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class or Presidency Magistrate having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when committed such offence, or may sentence him to any of the punishments enumerated in section 46 :

Provided that any such case may be transferred for enquiry and trial by the District Magistrate to any Magistrate of the first class and by a Chief Presidency Magistrate to any other Presidency Magistrate : and

Provided also that no person shall be punished twice for the same offence.

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent Whipping. and Medical Officer or Medical Subordinate.

(2) Whipping shall be inflicted with a light ratan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter ratan.

54. Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful Offences by prison subordinates. breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall under this section be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

55. A prisoner when being taken to or from any prison in which he may be lawfully confined, or whenever he is

Extramural custody, control and employment of prisoners.

working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the confinement in character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the Local Government so confine them.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section 60, be confined in fetters for the first three months after admission to prison.

Confinement of prisoners under sentence of transportation in irons.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector-General may sanction such retention accordingly.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Prisoners not to be ironed by Jailer except under necessity.

59. The Governor-General in Council may for any part of British India, and each Local Government with the previous sanction of the Governor-General in Council may for the territories under its administration, make rules consistent with this Act—

Power to make rules.

- (1) defining the Acts which shall constitute prison-offences;
- (2) determining the classification of prison-offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof;
- (4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;
- (5) for the award of marks and the shortening of sentences;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(8) regulating the transfer from one part of British India to another of prisoners whose term of transportation or imprisonment is about to expire; and,

(9) generally, for carrying into effect the purposes of this Act.

60. The Local Government may, subject to Power of Local Government to make rules, the control of the Governor-General in Council, make rules consistent with this Act—

- (a) for the classification of prisons, and description and construction of wards, cells and other places of detention;
- (b) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;
- (c) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act;
- (d) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;
- (e) for the employment, instruction and control of convicts within or without prisons;
- (f) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;
- (g) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;
- (h) for regulating the disposal of the proceeds of the employment of prisoners;
- (i) for regulating the confinement in fetters of prisoners sentenced to transportation;
- (j) for the classification and the separation of prisoners;
- (k) for regulating the confinement of convicted criminal prisoners under section 28;
- (l) for the preparation and maintenance of history-tickets;
- (m) for the selection and appointment of prisoners as officers of prisons;
- (n) for rewards for good conduct;
- (o) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire;
- (p) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;
- (q) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;

- (r) for the appointment and guidance of visitors of prisons;
- (s) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882, and to the officers employed, and the prisoners confined therein; and,
- (t) generally, in regard to the admission, custody, employment, dieting, treatment and release of prisoners, and for other purposes consistent with this Act,

61. Copies of rules under sections 59 and 60 so far as they affect the government of prisons, shall be exhibited, both in English and in the vernacular, in some place to which all persons employed within a prison have access.

62. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officer as the Local Government may appoint in this behalf either by name or by his official designation.

Exercise of powers of
Superintendent and
Medical Officer.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Year	No.	Title or short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Governor-General in Council.</i>			
1856	VIII	An Act for the better control of the Jails within the Presidency of Bombay.	So much as has not been repealed.
1870	XXVI	Prisons Act, 1870 ...	So much as has not been repealed.
1874	XV	Laws Local Extent Act, 1874	So much of Part (b) of the third schedule as relates to Act VIII of 1856.
1878	XIV	An Act to assimilate certain powers of the Local Governments of the North-Western Provinces and Oudh.	Section 2.
1886	XX	Upper Burma Laws Act, 1886...	So much as relates to Act XXVI of 1870.
1891	XII	Repealing and Amending Act, 1891	So much of the second schedule as relates to Acts VIII of 1856 and XXVI of 1870.
<i>Acts of the Governor of Fort St. George in Council.</i>			
1869	V	Madras Jails Acts, I 1869	So much as has not been repealed.
1882	VII	Madras Jails Act Amendment Act, 1882...	The whole.
1889	II	An Act to Amend the Madras Jails Act, 1869.	The whole.
<i>Acts of the Governor of Bombay in Council.</i>			
1874	II	An Act for the regulation of Jails in the City and Presidency of Bombay, and the enforcement of discipline therein.	So much as has not been repealed, except sections 9 to 16 (both inclusive) as amended by Bombay Act II of 1882.
1882	II	An Act to amend Bombay Act II of 1874	Section 3.
1883	IV	An Act to amend the Law concerning the confinement of civil prisoners liable to imprisonment under the Criminal Procedure Code.	The whole.
1887	I	An Act to further amend Bombay Act II of 1874.	The whole.

THE SCHEDULE.

ENACTMENTS REPEALED—*concl'd.*

Year.	No.	Title or short title.	Extent of repeal.
1	2	3	4

Acts of the Lieutenant-Governor of Bengal in Council.

1864	II	An Act for the regulation of Jails and the enforcement of discipline therein.	So much as has not been repealed.
1865	V	An Act to amend Act II of 1864, passed by the Lieutenant-Governor of Bengal in Council and to extend the provisions thereof in the Presidency Jail.	So much as has not been repealed.

Regulations made under the Statute 33 Victoria, Chapter 3.

1873	III	Santhal Parganas Settlement Regulation	So much of the schedule (as amended by Regulation III of 1886) as relates to Bengal Acts II of 1864 and V of 1865.
1874	IX	Arakan District Laws Regulation, 1871	So much as relates to Act XXVI of 1870
1875	II	Assam Pass Regulation, 1875	The whole.
1890	I	British Baluchistan Laws Regulation, 1890.	So much as relates to Act XXIV of 1870.

PART II.

RULES FOR SUPERINTENDENCE AND MANAGEMENT OF JAILS IN THE PROVINCE OF ASSAM.

CHAPTER I.

CLASSIFICATION OF JAILS.

"Prison" (with which the word "Jail" is synonymous) is defined in section 3(I) of the Prisons Act, 1894. Statutory provision.

1. All jails in the province are classified as district jails.

The following jails exist at (a) district and (b) subdivisional head-quarters:— Kinds of jails.

(a) Sylhet, Silchar, Gauhati, Tezpur, Jorhat, Dibrugarh, Nowgong, Shillong, Dhubri, Kohima, Aijal, Tura.

(b) Habiganj, South Sylhet, Karimganj, Sunamganj, Sibsagar, Golaghat, Mangaldai, North Lakhimpur.

2. Allowances are admissible for the combined or separate administrative and medical charges of the jails according to the following scales provided that when the Deputy Commissioner or Subdivisional Officer, not being a member of the Assam Civil Service, is in administrative charge of a jail, no allowance can be drawn by him for such charge:— Classes of district jails.

Class.	Daily average of prisoners.	Combined charge.	Separate charges.	
			Administrative.	Medical.
1st ...	500 or more ...	150	100	50
2nd ...	300 to 499 ...	100	60	40
3rd ...	150 to 299 ...	75	45	30
4th ...	50 to 149 ...	50	30	20
5th ...	1 to 49 ...	...	...	12 if held by Assistant Surgeon. 10 if held by Sub-Assistant Surgeon.

The class of each jail will be fixed by the Inspector-General of Prisons each year in the month of April on the basis of the daily average number of prisoners in the preceding calendar year, provided that the Local Government may for special reasons place a jail in a class other than that in which it would have been placed under this rule.

3. All jails of the province are for the confinement of criminal and civil prisoners. Jails both for criminal and civil prisoners.

CHAPTER II.

THE INSPECTOR-GENERAL OF PRISONS.

Statutory provision.

Under section 5 of the Prisons Act, 1894, an Inspector-General of Prisons shall be appointed for the territories subject to each Local Government, and shall exercise, subject to the order of the Local Government, the general control and superintendence of all prisons situated in the territories under such Government.

Relations of Magistrates and jail officers with Inspector-General.

4. All Magistrates and jail officers shall comply with the orders issued by the Inspector-General in all matters relating to the internal economy, discipline and management of jails.

All changes in the office of Superintendent of a district jail shall, when necessary, be notified by the Inspector-General in the Government Gazette of Assam.

Control of expenditure.

5. The Inspector-General shall exercise full control over all expenditure in jails, submitting annually to Government, through the Comptroller, a budget of the amount of funds necessary for their maintenance in such manner and at such time as may be required.

Audit of bills.

6. All monthly and other bills for jail expenses of every description shall be submitted to and audited by him, with the exception of:—

- (1) charges for Public Works, which are regulated by the Public Works Department;
- (2) charges for stationery supplied by the Stationery Department;
- (3) charges for medical stores supplied by the Medical Store Department.

Inspector-General's financial powers. 7. He is empowered to sanction all working expenses, either for manufactory or general purposes, within the limits of the budget grants, and also to regulate all contingent charges, which are authorised to be incurred, without reference to superior authority.

This rule is subject to the following limitations:—

- (a) That the previous sanction of Government is necessary for the purchase or retention in stock of more than 15 months' supply of grains or raw materials for manufacture, and for any such purchase exceeding Rs. 5,000 in one item.
- (b) That, except in the case of residential buildings and projects involving the acquisition of land, he may sanction estimates and expenditure for new works and for additions and alterations to existing buildings borne on the books of the Public Works Department up to Rs. 5,000 for each item within the limit of any allotment placed at his disposal in the Public Works Department budget.
- (c) That he may sanction any other item of expenditure for which provision has been made in the Jail Department budget up to Rs. 2,500 for each item, except in cases where the power of sanction is amplified or restricted under "The Rules for the Treatment of Contingent Expenditure" and "The Book of Financial Powers, Assam."

8. No contract, other than a petty contract for supplies not exceeding one month's requirements, shall be made without the previous sanction of the Inspector-General, and except in the case of contracts with Government departments all contracts shall be duly stamped. Contracts, however, for the supply of articles for use in jails in Assam are exempt from stamp duty.

9. He has authority to sanction in case of necessity and subject to budget provision, temporary appointments on pay not exceeding Rs. 30 a month for periods not exceeding one year, provided that the pay and allowance of any appointment shall not exceed the prescribed rates in cases where such rates have been definitely laid down by a higher authority for any particular class of appointment, and that no appointment shall be created by him in his own office.

10. He is empowered to sanction payment of rewards for the recapture of an escaped prisoner up to Rs 300.

11. (1) He shall inspect all departments of every jail at district headquarters and at Shillong at least once a year and of every jail at subdivisional headquarters and at Tura, Kohima and Aijal at least once in two years.

(2) During each inspection he shall personally see every prisoner then in confinement in the jail, he shall give every prisoner a reasonable opportunity of making any application or complaint and shall investigate and dispose of such as relate to jail discipline.

(3) He shall inspect the yards, wards, cells, worksheds, and other enclosures, shall examine the garden, enquire into the character of the water-supply, the conservancy arrangements, and the medical administration, shall see the food and ascertain that it is of proper quality and quantity, and generally satisfy himself that the buildings and premises are in proper order.

(4) He shall inspect all journals, registers and books maintained in every department of the jail, and initial or countersign them in token that he is satisfied that they are maintained in accordance with rules. He shall satisfy himself that the orders of Government regarding the arrangement and periodical destruction of records are observed.

(5) He shall inspect the warder establishment, satisfy himself as to its proficiency in drill and musketry, inspect its arms and accoutrements, and test the ability of each jail officer of the upper subordinate establishment to drill the guard.

12. Immediately after the inspection the Inspector-General shall furnish the Superintendent with a memorandum embodying his opinion of the manner in which the jail is administered, the extent to which the officers appear familiar with their duties, together with any suggestions or orders for the guidance of the Superintendent.

13. The Inspector-General shall submit to Government a special report regarding any jail which he considers to be in an unsatisfactory state, with the explanation of the officer in charge.

14. He shall appoint and may transfer or punish or dismiss Jailers and subordinate jail officers, except Sub-Assistant Surgeons.

Powers of appointment and punishment.

Powers to order transfer of prisoners. 15. Under section 29(2) of Act III of 1900, as amended by Act I of 1903 (the Repealing and Amending Act, 1903) he has been vested with the power of ordering the transfer of prisoners from one jail to another within the province or under the general orders issued by the Governor-General in Council under section 29(1) of the Act, to a jail in any other province. He is also authorised without reference to the Local Government to sanction the removal of prisoners from the permanent buildings of any jail into temporary quarters during epidemics.

Annual Administra- 16. He shall submit to the Government on the 15th April every year, a detailed report on the jail administration of the previous calendar year, giving statistics of the prisoners in such form as may be prescribed by the Government, together with his remarks on every point of jail management.

Powers as a Magistrate. 17. He shall exercise the powers of a Magistrate of the 1st class within the limits of every prison in his jurisdiction.

Channels of communication. 18. In the absence of any direction to the contrary, the Inspector-General shall be the channel of communication between the Government and all officers of the Jail Department.

CHAPTER III.

VISITORS.

19. The Chief Engineer, the Director of Public Instruction, the *Ex-officio* Inspector-General of Police, the Director of Public Health, the Director of Agriculture and the Director of Industries shall be *ex-officio* visitors of all jails in the province. Commissioners of Divisions and District and Sessions Judges shall be *ex-officio* visitors of all jails within their respective divisions and circuits. The Civil Surgeon of any district shall be an *ex-officio* visitor of all jails within his district.

20. Boards of Visitors shall be appointed by the Commissioners of Divisions for all jails, except in the Naga Hills and Lushai Hills of Board of districts. These Boards of Visitors shall, in the case of district jails, consist of the District Magistrate as Chairman, the Senior Extra Assistant Commissioner and four non-official members; and in the case of subdivisional jails, the Subdivisional Officer, who will be Chairman an Extra Assistant Commissioner and two non-official members. The constitution of the Boards showing the designation of the Government officers on the Boards and the names of the other visitors, and any changes in the visitors that may be made from time to time shall be published by the Commissioner of the Division concerned in Part I of the provincial Gazette.

Members of the Board other than Government officers shall be appointed for two years, and shall be eligible for re-appointment.

21. The Board of Visitors shall pay a joint visit of inspection to the jail every quarter and individual visitors ordinarily once a fortnight. At each quarterly meeting of the Board the Chairman shall draw up a roster of visits to be paid by each visitor during the next three months. This roster should ordinarily be drawn up so as to provide for fortnightly visits, but if any Board expresses a desire for weekly visits, the Chairman should arrange accordingly. Save in exceptional circumstances, visitors shall not visit the jail after lock-up or on Sundays.

22. (1) It is the duty of a visitor to satisfy himself that the law and rules regarding the management of prisons and prisoners are duly carried out in the jail, to visit all parts of the jail and to see all prisoners and to hear and enquire into any complaint that any prisoner may make.

(2) A visitor may call for and inspect any book or other record in the jail, provided that the Superintendent may decline to produce any book, paper or record for inspection if, for reasons to be recorded in writing, he considers such production undesirable.

(3) The Board of Visitors shall meet at the jail, inspect all buildings and prisoners, hear any complaints and petitions that may be preferred, inspect the prisoner's food and see that it is of good quality and properly cooked, examine the punishment book and satisfy themselves that it is up to date and that punishments awarded are in accordance with the rules, and scrutinise any case of long detention of under-trial prisoners.

Record of 23. A visitor's book shall be kept in every jail and shall be presented to the Board of Visitors and every individual visitor when the inspection of the jail has been completed. In this book the Board of Visitors as well as individual visitors shall record the date and hour of their visit and any remarks they may desire to make. Such remarks should be limited to a statement and fair criticism of the actual facts which come to their knowledge, and to any suggestions they may wish the Superintendent or the Inspector-General to consider. The Superintendent shall note the action taken by him in the column provided for the purpose and shall forward copies of all such entries in the visitor's book to the Inspector-General through the Commissioner of the Division concerned and the District Magistrate for such further orders as may be required; and when explanation is necessary, such explanation shall invariably accompany the copy. Any orders or remarks recorded by the Inspector-General shall be communicated to the visitor concerned. Whenever a visitor records remarks concerning the long detention of an under-trial prisoner, a copy of his remarks relating to such matter shall be forwarded to the District Magistrate. The Inspector-General may, if he thinks necessary, forward a copy of any visitor's remarks for the information of the Local Government. When His Excellency the Governor or the Hon'ble Member in charge visits any jail a copy of his remarks should be submitted in duplicate to the Inspector-General through the Commissioner of the Division and District Magistrate. Copies of visitors' remarks on subdvisional jails should invariably be submitted to the Inspector-General through the Deputy Commissioner of the district and the Commissioner of the Division.

Warder 24. Visitors shall be attended by an escort of at least one warder
escort for armed with a baton.
visitors.

Lady 25. A lady visitor shall be appointed, if possible, to all jails.
visitors. Lady visitors shall have the same powers and duties as male visitors except that their functions shall extend only to the female prisoners and the female yard. She shall not enter the male portion of the prison, unless it is necessary to pass through it in order to reach the female yard.

Visitors not 26. The Superintendent of Police and all officers of the Public
dealt with in Works Department and their subordinates, who have business to attend
the forego- to in the jail, shall at all times have free access to the jail, and may be
ing sections allowed to enter their remarks in the visitors' book with reference to all
matters connected with their departments. But, with the exception of
the superior officers of Government visiting stations and the visitors,
no other person not on duty in the jail shall be admitted into the jail,
unless accompanied by or with the written permission of the District
Magistrate, or the Superintendent of the Jail, or the Inspector-General
and police officers shall not be permitted to examine, or make enquiries
of any prisoner, without the permission of the District Magistrate, or
in subdivisions of the Subdivisional Officer.

Admission 27. To afford the police the opportunity of recognising old offend-
of police to ders, they shall be permitted to visit the jail every Sunday and to see
recognise old all prisoners admitted since their last visit, on parade. The Superint-
offenders. ent of the Jail and the Superintendent of Police shall fix the hour

for the parade. The police, not more than seven in number, shall assemble at the jail at the appointed time under charge of a responsible officer, and shall be conducted past the files of prisoners by the Jailer or the Assistant Jailer. They shall not be permitted to hold any communication with the prisoners except such as is necessary for the purpose of identification.

28. A police officer, who is permitted by the Magistrate to examine or make enquiries of prisoners in jail, under this rule, shall be furnished with a written pass addressed to the Superintendent or to the Jailer. As a rule, these passes shall not be given to a police officer below the rank of Sub-Inspector. The interview will take place in the presence of the Jailer or some other responsible officer of the jail, who, however, will keep at such a distance that he may not hear the conversation that takes place.

Interrogation of prisoners by police officers.

CHAPTER IV.

THE DISTRICT MAGISTRATE.

District Magistrate 29. The District Magistrate is an *ex-officio* visitor of any prison *ex-officio* jail situated in his district.

visitor.

General 30. (a) The District Magistrate shall visit the district jail at duties of the least once in every month during which he is present in the station. District Magistrate. In any month during which he is absent he shall depute the Magistrate in charge of headquarters to visit in his stead. The dates of such visits shall be recorded in the visitors' book, together with any orders, remarks or suggestions made: provided that if in any special case the District Magistrate considers it expedient he may communicate separately with the Superintendent on any matter arising out of his visit.

(b) The power to issue orders respecting the prison conferred on District Magistrates by section 11 of the Prisons Act, 1894, must not be interpreted as empowering Magistrates to interfere unnecessarily with the management of jails, so as to weaken the Superintendent's authority. All orders made by the District Magistrate shall be issued through the Superintendent of the Jail.

(c) The District Magistrate shall report to the Inspector-General of Prisons any important step he may consider it necessary to take affecting the discipline and the management of the jail. In any case of outbreak or combined in subordination among the prisoners, or of threat thereof, the District Magistrate shall render immediate aid to the Superintendent.

(d) When the Civil Surgeon is not Superintendent of the Jail at the headquarters of a district, the District Magistrate shall place an Extra Assistant Commissioner in charge of the Jail as Superintendent or assume direct charge himself.

District Magistrate 31. The District Magistrate is authorized to appoint teachers in religious and moral subjects who may be permitted to lecture in the to appoint jail once a week, the day and hour being fixed by the Superintendent. religious instructors.

Duties of Subdivisional 32. Subdivisional jails shall be under the control of the Subdivisional Officers acting as Superintendents under the instructions of the Magistrate of the district who shall visit every such jail twice a year, and record a note as to its condition.

Duties of District Magistrate 33. In the event of the absence of the Superintendent of a district jail on tour, or otherwise, the District Magistrate shall take temporary charge of the jail, or place a Magistrate in charge. Such officer of the Superintendent shall exercise all the powers vested in the Superintendent.

CHAPTER V.

THE SUPERINTENDENT.

Under section 6 of the Prisons Act, 1894, there shall be a Statutory Superintendent for every prison. Under section 11(1) he shall provisions manage the prison in all matters relating to discipline, labour, expenditure, punishment and control, subject to the orders of the Inspector-General. Section 11(2) requires the Superintendent of a district or subdivisional jail to obey the lawful orders of a District Magistrate respecting the prison. The Superintendent is the officer in charge of a prison within the meaning of section 15 of the Prisoners Act, 1900, and other enactments.

34. The general duties of the Superintendent of a prison are de- Duties generally stated. fined in section 11 of the Prisons Act, 1894.

The Civil Surgeon of the district, when Superintendent of the Jail at district headquarters, is also the Medical Officer of the Jail.

The duties of the Superintendent in regard to offences and punishments, admissions and release, deaths, executions, accounts, etc., are prescribed in the chapters of this Manual dealing with those subjects.

35. (1) Superintendents shall make themselves thoroughly acquainted with the Acts and Regulations relating to the jails and with the rules contained in this Manual and shall be strictly responsible for the due carrying out of all such statutory provisions and rules and for the execution of all sentences on prisoners committed to their charge. Duties further defined.

(2) Every order of a Superintendent shall be subject to the revision of the Inspector-General.

36. The Superintendent shall visit the jail at least once on every working day and also on Sundays and holidays whenever special circumstances render it desirable that he should do so. If, from any cause he is prevented from visiting the jail on any day on which he is by the rules required to do so he shall record the fact and the cause of his absence in his order book. At least once a month he shall visit the jail at night and satisfy himself that the guarding is being properly performed and that everything is in order. Daily visit to the jail.

37. (1) The Superintendent shall maintain in his own handwriting an order book in which he shall enter therein all his orders relating to the management and discipline of the prison and shall satisfy himself that every such order is duly carried into effect. All officials entrusted in any way with the execution of any such order shall sign the book in acknowledgment of having seen and received the order. Main te- nance of order book

(2) The Superintendent shall also record in his order book the distribution of duties and registers among his subordinate officers in such a way that responsibility for errors, dereliction of duty and defalcations may be fixed with precision.

38. (1) On one morning in every week, which shall usually be Monday, the Superintendent shall hold an inspection parade of all prisoners, at which the Medical Officer shall also be present. Weekly ins- pection of prisoners.

(2) At each such parade the Superintendent shall satisfy himself :—

- (a) that every prisoner is properly classified as provided for in the rules on that behalf;
- (b) that every prisoner is provided with proper clothing and bedding;
- (c) that the provisions of the remission rules are understood by the prisoners; and
- (d) generally that the rules and orders applicable to prisoners are being duly carried out.

(3) The Superintendent shall, at every such parade, hear and enquire into any complaints that the prisoners may wish to make. It shall be his duty to listen to complaints and petitions of prisoners in a patient and considerate manner, and to afford prisoners reasonable facilities for making such representations.

(4) Nothing in this rule shall debar a prisoner from making a complaint or application to the Superintendent at other times than the weekly parade, and it shall be the duty of every jail official to produce before the Superintendent without delay any prisoner desiring to see him.

Cont r o l over receipts and expenditure. 39. The Superintendent shall be responsible for the economical working of his jail; he shall carefully consider the necessity for all expenditure before incurring it, and shall satisfy himself that all rates paid are the lowest, compatible with efficiency. He shall be responsible for the satisfactory conduct of the manufacturing department, the punctual execution of orders, the collection of all outstandings, the due credit of all sums collected and generally for the financial administration of the jail. He shall be answerable for all jail property, stores and moneys and shall be held responsible for any defalcations on the part of the jail establishment, if it be shown that such defalcations were rendered possible by negligence on his part.

Mainte-
nance of
records.

40. (1) The Superintendent shall be responsible for the correct maintenance of the records prescribed in section 12 of the Prisons Act, 1884, and of such other records as are prescribed by these rules, and at least once a month shall examine every such record and shall satisfy himself that it is up to date.

(2) When no provision exists in these rules prescribing the officer by whom any register or record shall be maintained, the Superintendent shall, by order recorded in the order book, from time to time assign the maintenance of every such register or record to a specified subordinate.

Submission
of reports
and returns.

41. The Superintendent shall submit punctually to the Inspector-General such yearly and other returns, statements, bills and vouchers as may be from time to time prescribed. As soon as possible after the close of each year, and not later than the 31st of January annually, he shall furnish the Inspector-General with a report on the administration of the jail. This annual report shall be compiled in such form as the Inspector-General may prescribe.

42. No civil suit shall be instituted or defended by a Superintendent on behalf of Government without the previous sanction of the Inspector-General. Upon a Superintendent receiving notice of suit under section 80 of the Code of Civil Procedure, he shall immediately forward the notice, with a full statement of the facts of the case, to the Inspector-General.

43. Any outbreak of epidemic disease or unusual sickness, all serious breaches of jail discipline, escapes, attempts at escape, recap- tures, accidents, suicides, or deaths from violent or unnatural causes, shall be at once reported by the Superintendent to the Inspector-General.

44. The Superintendent shall accompany the Inspector-General Presence at during his inspection of the jail, and shall also accompany official inspections. visitors if they request his presence during their visits.

45. The Superintendent shall report to the Inspector-General all cases of detention of under-trial prisoners which exceed in cases committed to the Court of Session two months, and in the case of offences triable by Magistrates one month.

46. In the case of serious misconduct on the part of any officer appointed by the Inspector-General of Prisons or by the Inspector-General of Civil Hospitals, the Superintendent may suspend the officer, reporting his action at once to the Inspector-General. All other officers of the jail shall be appointed, and may be suspended, and punished, reduced, dismissed, or otherwise punished by the Superintendent as detailed in Chapter XIII.

47. The Superintendent shall not himself smoke nor permit any other officer or any visitor to smoke in any part of the jail at any time.

48. Every Superintendent of a jail shall be sufficiently well acquainted with the language of the district in which the jail is situated to be able to converse with the prisoners.

49. The Superintendent shall, as a rule, transact all business connected with the jail within its precincts. He shall not, except in case of necessity, require the attendance of the Jailer or other subordinate beyond the jail limits.

CHAPTER VI.

THE MEDICAL OFFICER.

Statutory Provisions. Under section 6 of the Prisons Act, 1894, there shall be a Medical Officer (who may also be the Superintendent) for every prison. Section 13 defines the Medical Officer's duties in general terms, section 14 requires him to report to the Superintendent any case in which he has reason to believe that the mind of a prisoner is likely to be injuriously affected by the treatment to which he is subjected, and section 15 lays down the procedure which the Medical Officer should adopt on the death of a prisoner.

Appointment. 50. The rules in this chapter apply both to Medical Officers separately appointed and to Superintendents who are in addition medical officers of their jails.

Discharge. 51. During the absence of the Medical Officer his duties shall be performed by the Assistant Surgeon, or where there is no such officer, during his absence by the Senior Medical Subordinate.

Control of Medical Officers. 52. The Medical Officer, when not himself the Superintendent, shall, except as regards the medical treatment of the sick, act in immediate subordination to the Superintendent, and shall be subject to the general control of the Inspector-General.

Channel of communication. 53. The Medical Officer shall ordinarily correspond with the Inspector-General through the Superintendent. He shall accompany the Inspector-General during his inspection of the jail.

General duties. 54. The duties of the Medical Officer embrace every matter connected with the health of the prisoners, their treatment when sick, and the hygiene of the jail.

Daily visits to the jail. 55. The Medical Officer shall visit the jail and shall see the sick daily, except on Sundays and holidays, and on those days also whenever necessary, and shall inspect every part of the jail at least once a week and oftener in times of sickness. If any epidemic or unusual sickness prevails, or when the seriousness of the cases requires it, he shall visit the jail as many times daily as may be necessary.

Attendance at weekly inspection. 56. (1) The Medical Officer shall be present at the Superintendent's weekly inspection, and shall then see every prisoner, and carefully examine each one, paying special attention to any signs of a scrofulous or anaemic tendency, of any failing off in condition, or of skin disease. He shall also examine the prisoner's clothing and bedding to see that they are adequate as well as the buildings, drainage, ventilation, drinking water, and conservancy arrangements of the jail.

(2) He shall at the same time examine the record of prisoner's weighments, satisfy himself that the weight test is being properly applied, and see that the prisoners losing weight in any material degree are separately paraded.

Attendance on jail officials. 57. (1) The Medical Officer shall attend all subordinate jail officials and their families residing on jail premises, provided that in all slight cases he may depute the Medical Subordinate to do this duty; and their treatment shall be recorded in a prescription book. He shall bring to the notice of the Superintendent any facts respecting the

causes of illness that may be of importance in enabling him to determine as to the fitness or otherwise of the subordinate for continued employment in the jail.

(3) The Medical Officer shall examine all candidates for employment and all jail officers who may be sent to him by the Superintendent for that purpose, and shall certify in writing regarding their physical capacity and state of health.

58. (1) The Medical Officer shall keep a minute book in Form No. 4 ^{Mainte-} in which he shall record every visit paid to the jail, the hour at which he ^{nance of} entered and left the jail daily, the portions of the jail or classes of ^{Minute} prisoners visited, the number of sick in hospital and any matter which ^{Book.} he considers should be brought to the notice of the Superintendent, especially—

- (a) any defects in the food, clothing or bedding of prisoners, or in the cleanliness, sanitation, water-supply, or other arrangements of the jail which the Medical Officer considers likely to be injurious to health, together with suggestions for the remedy of such defects;
- (b) any occurrence of importance connected with the hospital administration, any marked increase in the number of in or out-patients, and the apparent causes of the same; and
- (c) any recommendations regarding individual prisoners.

(2) This book shall be sent daily or more often if necessary to the Superintendent for the immediate issue of such orders as he may see fit to pass.

59. The Medical Officer shall submit punctually the prescribed ^{Submission} returns, and shall furnish any other information regarding the medical ^{of returns.} administration of the jail which the Inspector-General may call for.

60. The Medical Registers and forms shall be kept under the ^{Mainte-} orders of the Medical Officer who is responsible for their correctness. ^{nance of} At the Inspector-General's inspection the Medical Officer shall produce ^{registers.} before him every register and record connected with the Medical Department of the jail.

NOTE.—For other rules relating to the Medical Officer's duties, see the following, ^{viz.—}

Examination of prisoners on admission, etc. Rule 286.

Examination of articles of food. Rules 380, 381.

Examination of prisoners with reference to labour. Rule 411.

General duties in regard to hospital management. Rules 650 to 679.

General duties in regard to sanitation. Rules 701 to 729.

CHAPTER VII.

THE MEDICAL SUBORDINATES.

Statutory Clause (S) of Section 3 of the Prison Act 1894, defines "Medical Subordinate" as meaning an Assistant Surgeon, Apothecary or qualified Hospital Assistant (now styled Sub-Assistant Surgeon). Under Section 6 there shall be a Medical Subordinate for every prison.

Appoint- 61. The appointment of Medical Subordinates for jail work will
ment. be made by the Inspector-General of Civil Hospitals. Compounders
may however be appointed by the Superintendent subject to the approval
of the Inspector-General of Prisons.

Pay. 62. Every whole-time Medical Subordinate shall draw the pay
of his grade and such special allowance as the Local Government has
sanctioned for the particular jail to which he is attached. The
special monthly allowances sanctioned by the Local Government are
Rs. 15 a month for the Sylhet Jail and Rs. 10 a month for the Gauhati
Jail.

Stoppage of 63. The special allowance may be withheld by the Inspector-
special al- General or by the Superintendent with the sanction of the Inspector-
lowances. General, for any month during which, in the opinion of either of these
officers, the medical work of the subordinate was unsatisfactory.

NOTE.—The stoppage of this allowance is not a punishment but a refusal to pay what
has not been earned under one of the terms on which the allowance is granted, viz.,
the satisfactory performance of jail duties. It must be stopped for the whole month, or not
at all.

Special 64. After the close of the year the Inspector-General of Prisons
rewards for within the limits of the budget grant sanctioned for the purpose may
good work. grant to any whole-time Sub-Assistant Surgeon, who in that year
during his connection with a jail has done thoroughly good work in
all branches of his duties, a special reward in addition to his regular
pay. This special reward will be granted in a single payment
after the close of the calendar year and upon the following
conditions:—

1. These rewards cannot be claimed as a right. They are given only for special merit shown in the preceding calendar year, and the grant of a reward and its amount depend entirely on the discretion of the Inspector-General.
2. The grant of a reward will depend upon the opinion recorded by the Inspector-General at his inspection of the jail, and on the recommendation of the Medical Officer of the jail who will bring to the notice of the Inspector-General of Prisons the special work carried out during the year by whole-time Medical Subordinates under him. The Inspector-General will base his opinion on the evidence of good work done as seen at his inspection in the general health of the prisoners, in the management of the hospital and the various infirm gangs, in the preparation and cooking of the food, both for ordinary prisoners and for those in hospital, in the general sanitary condition of the jail, in the management of epidemic diseases, if any such out-breaks have occurred, in the success achieved in controlling conditions such as malaria, dysentery, etc., and last but by no means least in the success achieved in ambulance and first aid training.

3. If there has been in any jail a change of Medical Subordinates during the year the special reward, if sanctioned, shall be divided between the several incumbents, in accordance with the recommendation of the Medical Officer or recorded opinion of the Inspector-General.

4. The decision of the Inspector-General shall be final.

65. The Inspector-General, or the Superintendent, with the Withholding-sanction of the Inspector-General, may withhold the ordinary monthly jail allowance of a Medical Subordinate, whether an Assistant Surgeon or a Sub-Assistant Surgeon, for any month or months during which the medical work of the subordinate in connection with the jail was not satisfactory.

66. The Medical Subordinate and compounder shall reside in the jail premises if quarters are provided for them. When quarters are not provided they shall reside near the jail in a place approved of by the Medical Officer.

67. Whole-time Medical Subordinates attached to jails will not be permitted to engage in private practice, except that they may engage in consulting work and may attend emergency cases with the sanction of the Medical Officer. This concession shall not apply to compounders.

68. A Sub-Assistant Surgeon or compounder attached to a jail shall, in matters not connected with his professional duties, be under the control of the Superintendent and the Jailer, and, in the discharge of duties of a professional nature, shall be under the orders of the Medical Officer.

69. A whole-time Sub-Assistant Surgeon shall remain inside the Hours of jail throughout the day, except when permitted to absent himself for duty, meals or other sufficient reason. He shall visit the hospital occasionally at night, and may, under the orders of the Medical Officer, be required to remain on duty there, if there are any cases under treatment that are likely to render his presence necessary.

70. The duties of a Sub-Assistant Surgeon, generally stated, shall be to attend to the health and cleanliness of the prisoners, the generally treatment of the sick, the sanitation of the jail, the fortnightly weighments, the supervision of the food, and all other matters connected directly or indirectly with the health of the staff and inmates of the jail.

71. It shall be the duty of a Sub-Assistant Surgeon—

(a) to be present at unlocking, attend to any prisoners who complain or appear to be ill, and have them removed to further hospital or placed before the Medical Officer, for examination, as each case may require;

(b) to inspect the convalescent gang and any prisoners kept under observation every morning; to distribute such medicines as may be necessary and to satisfy himself that the Medical Officer's orders are properly carried out;

(c) to visit all prisoners in cells daily, and to report to the Medical Officer all complaints made to him that have any bearing on the health of the inmates;

- (d) to be responsible that all medicines are properly arranged, labelled, and put away in place of safety, to take proper care of the instruments and appliances in his charge, to see that sick prisoners are clean and tidy, that the hospital clothing and bedding are marked in a distinctive manner, that all articles in use in hospital are safely stored and kept clean, to allow no property in his charge to leave the jail premises, and not to permit any convict attendant to handle instruments or distribute drugs whose misapplication may be attended with danger;
- (e) to perform the clerical work connected with the hospital, such as the upkeep of registers, the preparation of returns, and punctual submission of indents;
- (f) to satisfy himself that the food for the sick is properly prepared and distributed;
- (g) to be responsible that order, cleanliness and discipline are maintained in the hospital and its enclosure, that the compounder and attendants perform their duties properly, that any excess or deficiency of attendants is brought to notice, and to report any relaxation or violation of the rules;
- (h) to visit the kitchen daily, inspect the food supplies, raw and cooked, both in bulk and after distribution, see that the salt, oil and condiments are added and thoroughly mixed in his presence, satisfy himself that the food is of good quality and that the quantity of each article is according to the sanctioned scale; also that the kitchen and its surroundings are maintained in a sanitary condition, that the drains are flushed and free from refuse, that the water stored in the cisterns for cooking and washing utensils is changed frequently, and that the utensils in use are clean and in good repair;
- (i) to supervise the milking of the cows for the supply of milk to the hospital, to test the milk in the prescribed manner, to see that it is properly boiled before issue, and to inspect the food supplied to civil and unconvicted criminal prisoners by their friends.
- (j) to keep a vigilant watch on prisoners suspected of malingering and to report the result of his observation;
- (k) to be present at the various parades and to separate for examination and treatment any prisoner who appears to be in need of attention, or who is known or suspected of leaving part of his food uneaten;
- (l) to arrange that the evacuations of prisoners suffering from bowel disease are kept for the inspection of the Medical Officer and that they are suitably protected and subsequently disinfected and disposed of;
- (m) to bring to the notice of the Medical Officer any female whom he may suspect to be pregnant; and

(n) to see to the bathing of prisoners suffering from skin affections, and generally to do everything to ensure that the health of the prisoners is maintained, by reporting all irregularities and making any suggestions for improvement for the consideration of the Medical Officer.

72. (1) The Sub-Assistant Surgeon shall examine all newly admitted prisoners and under the supervision of the Medical Officer shall record in the admission registers and medical sheet the particulars as regards health, labour and the like.

(2) He shall satisfy himself that the persons and private clothing of newly admitted prisoners are properly cleansed, and that the clothing is, if necessary, disinfected before removal to the store-room.

(3) Under the supervision of the Medical Officer he shall vaccinate newly-admitted prisoners, and, if so directed, infants admitted with their mothers or born in jail.

(4) He shall bring promptly to the notice of the Superintendent and Medical Officer any case of suspected cholera or other contagious or infectious disease that may appear amongst the staff or inmates of the jail.

73. It shall be the duty of a Sub-Assistant Surgeon:—

(a) to examine the wells and other sources of water-supply, ^{regards} to bring to notice any defects with regard to its quantity ^{water-supply} and ^{sanita-} or quality, to examine all tanks and vessels daily in which ^{tion.} water is stored or conveyed and to prepare samples for analysis when required to do so;

(b) to inspect all latrines and urinals daily, satisfy himself that they are properly cleaned, that a sufficiency of dry earth is used and in stock, and that excreta and urine are not allowed to remain longer than necessary inside the jail or to pollute the ground, but that they are promptly removed and disposed of in a manner calculated to be least offensive or dangerous to health;

(c) at least once a week to inspect the surroundings of the jail and especially the place and manner in which filth and the like are trenched or otherwise disposed of; and

(d) to attend to the ventilation, with due regard to the season, of the hospital, sleeping wards and workshops and to satisfy himself that prisoners are not unnecessarily exposed to draught or to rain.

74. The Sub-Assistant Surgeon shall superintend the fortnightly ^{The weigh-} ^{ment of pri-} ^{soners.} weighment of prisoners, shall record each prisoner's weight in the weight chart, and shall parade as soon afterwards as possible, for inspection by the Medical Officer, all prisoners who are losing weight to any noticeable extent.

NOTE — When the Subordinate Medical establishment is small as compared with the number of prisoners, or the medical work is heavy, an officer of the executive staff of the jail may be deputed by the Superintendent to assist in recording weights.

Duty of occurrence of death. 75. The Sub-Assistant Surgeon shall forthwith report to the Medical Officer every death that occurs in the jail and shall assist at the *post mortem* examination and be responsible that the body before removal from the mortuary is suitably prepared for burial.

Medical aid to officers, and to assist medical officer every assistance by reporting to him all matters affecting Officer generally health such as :—

- (a) overcrowding,
- (b) unsuitable, worn out or dirty clothing,
- (c) neglect of personal cleanliness,
- (d) undue exposure to weather,
- (e) unpunctuality of meals,
- (f) neglect to air, dry, or cleanse clothing and bedding, and
- (g) unsuitable tasks.

Duties of compounders. 77. (1) The compounder shall obey the lawful orders of the Medical Officer and Sub-Assistant Surgeon in all matters connected with the medical work of the jail, and of the Superintendent and Jailer in other matters.

(2) His duties shall be to help the Sub-Assistant Surgeon in the maintenance of the health of the staff and prisoners by compounding and distributing medicines, vaccinating and weighing prisoners, performing clerical work, maintaining order and discipline in the hospital and by carrying out such other duties of a like character as may be imposed on him by the Medical Officer.

CHAPTER VIII.

SUBORDINATE OFFICERS GENERALLY.

Under section 22 of the Prisons Act, 1894, officers subordinate to Statutory the Jailer shall not be absent from the prison without leave from the provisions. Superintendent or from the Jailer. Section 54 renders liable to judicial punishment a jailer or officer subordinate to him who shall be guilty of certain specified offences against discipline.

SECTION I.—CONSTITUTION AND APPOINTMENT OF THE SUBORDINATE STAFF.

78. Appointments to the posts of Jailer and Assistant Jailer will be made by the Inspector-General, while all Warders will be appointed by the Circle Superintendents and Superintendents of hill jails.

79. Every subordinate officer, except in any case in which the Inspector-General or Superintendent may otherwise direct, shall be considered to be on probation for six months and his confirmation in his appointment shall be contingent on his proving efficient.

SECTION II.—CONDITION OF SERVICE.

80. Every subordinate officer shall be liable to be employed wherever it seems fit to the Inspector-General to employ him. When ever a warden is recommended for transfer, the names of the jails in which he has previously served shall be stated.

81. (1) The Fundamental Rules and Assam Subsidiary Rules apply to all jail officers. Leave other than disability leave, which requires the sanction of Government under Fundamental Rule 83, will be granted in accordance with the rules, by the Inspector-General in the case of those officers whom he is competent to appoint, and by the Circle Superintendent concerned in the case of Head and ordinary grade warders.

(2) The Superintendent may grant any subordinate officer (other than the Sub-Assistant Surgeon) casual leave subject to the following conditions. Casual leave may be combined in any manner with Sundays and other authorised holidays, provided that not more than seven days' casual leave exclusive of such Sundays or holidays shall be taken during one period of absence and provided that no period of absence from duty shall exceed ten days; the aggregate amount of casual leave which any officer may have, during the course of one calendar year, shall not without special sanction of the Inspector-General, exceed fifteen days exclusive of Sundays and holidays which under this rule may be combined therewith.

(3) The Superintendent may grant casual leave to chief Head

1. To natives of the district in which they are serving... 10 days
2. To natives of the province serving outside their native district... 12 days.
3. To natives of Bengal... 14 days.
4. To natives of other provinces... 16 days.

warders, Head Warders and Warders of the Jail Department according to the revised scale noted in the margin.

Annual report on than the 15th February annually, the Superintendent shall submit to the Inspector-General confidentially in his own handwriting a report on each jail officer of the Jailer establishment serving in the jail.

This report shall deal with the officer's physique, general character, activity, knowledge of drill, power of command, knowledge of vernacular, state of education, steadiness and fitness for promotion.

Supply of Assistant Jailer, and other jail subordinates may be allowed a reasonable supply of vegetables for their own consumption from the jail garden free of charge, provided that no such permission shall be given unless the entire supply of vegetables required for jail use is being obtained from the jail garden.

Rice, *attu*, oil and *dal* may also be prepared and sold to the Jailers, Assistant Jailers, medical subordinates solely attached to the jails, Head Warders and paid warders at cost price *plus* the value of jail labour employed in the preparation of the articles; but the supply shall be limited to the requirements of each household and care must be taken that such articles are not disposed of to outsiders. The unauthorised plucking of fruit or vegetables from the jail land or the appropriation of Government property to their own use shall be treated as a serious offence and may render the offenders liable to criminal prosecution.

SECTION III.—DUTIES OF THE SUBORDINATE STAFF.

Knowledge of rules. 84. Every subordinate officer shall make himself fully acquainted with the rules and regulations relating to his office, and no plea of ignorance will be accepted as an excuse for neglect. The rules prescribed by Government regulating the conduct of public officers are applicable to all subordinate officers, and a copy of those rules shall be supplied to every subordinate officer in superior service.

Duties towards superior officers. 85. Every subordinate officer shall yield prompt and strict obedience to all orders of the superior officers, and shall treat all superior officers at all times with respect.

Not to be absent without permission 86. No subordinate officer shall be absent during the hours fixed for his attendance without the permission of the Superintendent or Jailer. Any subordinate officer disabled from the performance of duty by illness shall give or send immediate notice to the Jailer, who shall make such arrangements as may be necessary for the performance of the duty of the disabled officer.

Dress and personal appearance. 87. All subordinate officers shall be clean in person and dress, and those for whom a uniform is prescribed shall at all times wear it while on duty, and shall further conform to such regulations concerning their personal appearance as may be established by authority.

No officer to smoke or drink in the jail. 88. No subordinate officer shall smoke or drink while on duty or smoke or in any part of the jail, or without authority introduce liquor, tobacco drink in the or any other drug into the jail.

Or to receive visitors. 89. No subordinate officer shall receive any visitors within the jail, except with the sanction of the Superintendent.

90. (1) Every subordinate officer of a jail for whom residential quarters are provided shall reside therein. Conditions as to residence.

(2) When free quarters are not provided the subordinate shall reside in such quarters as may be approved by the Superintendent.

(3) A subordinate officer shall not, except with the written permission of the Superintendent, allow any person other than his parents, wife or children to reside with him, either temporarily or permanently, in his quarters on the jail premises.

91. All quarrelling between jail officers is strictly prohibited; any disagreement between subordinates relative to their duties shall be referred to the Jailer, or the Superintendent. A complaint by one officer against an equal or superior shall be made to the Superintendent. Frivolous or false complaints will be severely punished. Prohibition against quarrelling.

92. Subordinate officers shall not lounge about the jail. They shall confine themselves to their respective posts, except when ordered within the Department by a superior officer to go elsewhere, or when performing any special duty.

93. Every jail officer shall - -

(1) exert the utmost vigilance to prevent escapes;

(2) prevent to the best of his power the introduction into the jail and the giving to any prisoner of any prohibited article; and

(3) prevent any communication between prisoners and outsiders except as permitted by rule.

Under section 43 of the Prisons Act 1894, any jail officer may arrest any person committing in his presence any offence specified in section 42, and refusing to give his name and address.

94. Except as elsewhere provided, no subordinate officer shall enter a ward or cell at night unless accompanied by another authorised officer, and then only in case of sickness or other emergency; the Superintendent may by order in writing relax this rule during the presence in the jail of epidemic disease.

95. No warden shall be deemed to be free of responsibility for the charge of a gang of prisoners until he is relieved by another warden detailed for the duty, in the presence, and under the signature, made at the time of relief, of the Head Warden whose duty it is to conduct such relief.

96. Every officer in charge of a gang shall make his prisoners march in file and shall prevent all straggling and disorderly conduct, the holding of unauthorised communication with each other or with any unauthorised person or the procuring of prohibited articles.

97. No subordinate officer entrusted with jail keys shall remove them from the jail, leave them lying about, or lend them to any person on any pretence whatever, but shall when leaving the jail or going off duty, deliver them to such officer as may be authorized to receive them. The keys of wards, cells, or outer gates are not on any account to be delivered to any prisoner.

Care of Government property. 98. When an officer entrusted with the care of Government property, such as warrants, cash, stores, machinery, etc., is transferred, proceeds on leave (other than casual leave), resigns, is suspended, or discharged, he shall make over all property in his care to the officer appointed to relieve him, and the relieving officer shall compare all articles thus made over with the entries in the prescribed registers and satisfy himself that they are correct, and shall then initial each register in its proper place in token of having correctly received charge of the articles entered therein. Until charge is thus taken and the registers initialled by the relieving officer, the officer relieved shall be wholly responsible for all errors and deficiencies in the property.

Officers to be transferred to another part of the jail, shall point out to their successors all matters of special importance connected with their charge and explain any directions of any superior officer affecting any particular prisoner or matter.

Prisoners to be treated with good temper. 100. All jail officers shall treat prisoners with good temper, humanity, and strict impartiality, and shall listen patiently and without irritability to any complaint or grievance, while at the same time maintaining strict discipline and enforcing observance of the rules and regulations. It is important that every complaint made by a prisoner should be heard with attention, in order that grievances may be redressed and that no cause for discontent may be allowed to remain.

Prohibition against punishing prisoners. 101. No jail officers shall, in any circumstances, punish any prisoner except under the Superintendent's order or threaten any shaming or abusing prisoner with punishment or use violent, abusive, or insulting language abusing prisoner to any prisoner. All conduct intended merely to irritate or annoy any prisoners. prisoner shall be avoided. Prisoners shall be addressed by their proper names or numbers.

Prisoners not to be struck. 102. No jail officer shall on any pretext strike a prisoner except in self-defence or in the repression of disturbance, and no more force shall then be used than is absolutely necessary.

Immediate report of misconduct. 103. No subordinate officer shall, either through favour or a mistaken notion of kindness, fail to make an immediate report to his superior officer of any misconduct or wilful disobedience of the jail regulations.

Familiarity with prisoners. 104. No jail officer shall unnecessarily converse with a prisoner or treat him with familiarity, or allow any familiarity between a prisoner and any other officer of the jail. Nor shall he discuss matters of discipline, or jail duties or arrangements with or in the hearing of prisoners.

Officers not to have dealings with prisoners. 105. No jail officer shall lend money to, borrow money from, or incur any obligation in favour of any other jail officer or any prisoner, or correspond with, or hold any intercourse with, the friends or relatives of any prisoner, or have any unauthorized communication with any prisoner or with any person whatever as to matter concerning the jail.

Or to receive property. 106. No jail officer or other person in any way connected with the prisoner's jail shall receive or use any article belonging to a person who either is, or has been, confined in the jail.

107. No jail officer shall correspond with or hold any intercourse with any discharged prisoner or with the friends or relatives of such with dis-
prisoner, or allow any such prisoner, friend or relative, to visit or charged pri-
remain in his quarters, except with the special permission of the bidden. Superinten-
dент.

108. No jail officer shall, directly or indirectly, be concerned in Officers not
any contract or agreement for the supply of any article to the jail, to be inter-
nor receive, directly or indirectly, any fee, gratuity, present or loan, contracts.
from any contractor or person tendering for any contract with the jail,
or from any prisoner, prisoner's friends or any person visiting the jail.

109. No jail officer shall, either directly or indirectly, engage Officers not
in any trade, business or employment other than his legitimate jail to engage in
duties and no jail officer below the rank of Chief Head Warder shall trade.
be permitted to keep cattle or other farm stock within the jail
premises.

SECTION IV.—PUNISHMENT OF JAIL OFFICERS.

110. The Superintendent shall decide whether or not a prose- Superintendent
cution shall be instituted in respect of any offence punishable under section 54 of the Prisons Act. Whenever a prosecution is determined to prosecute.
on, the officer shall be suspended from duty.

111. For the following offences a prosecution shall be instituted unless the Inspector-General otherwise orders, in which case the offender shall be punished departmentally :—

- (1) Wilfully or negligently permitting an escape.
- (2) Committing any offence punishable under section 42 of the Prisons Act, 1894.
- (3) Immoral conduct with regard to any prisoner.
- (4) Any offence punishable under Chapter IX of the Penal Code.

112. A jail officer acquitted of a charge by a criminal court shall be re-instated in the service, unless the Inspector-General, for reasons to be recorded in writing, otherwise directs.

113. The following offences shall be punished by dismissal unless the previous character of the offender and the circumstances of the case render a milder punishment sufficient :—

- (1) Appearing on duty in a state of intoxication.
- (2) Sleeping on duty.
- (3) Striking a prisoner.
- (4) Entering or permitting any person to enter the female enclosure without proper authority.
- (5) Committing or conniving at irregularities in the supply or distribution of food.
- (6) Being concerned directly, or indirectly in a jail contract or a present from a contractor.
- (7) Having unauthorized dealings with any prisoner or prisoner's friend.
- (8) Insubordination towards any superior officer.

Power to suspend and resort to only in extraordinary circumstances, the practice of inflicting fine to be being very heavy fines should also be avoided, a small deduction from used dis- pay being generally a sufficient deterrent; nor should the frequent infliction of small fines be adopted. An officer against whom a succession of offences is recorded should, after due warning, be reduced or dismissed. Jailers and Assistant Jailers should not be punished by fine except in very special circumstances.

Punishments and appeals 115. The Inspector-General of Prisons and Superintendents of Jails are empowered to exercise the powers detailed in the statement below in respect of members of the subordinate establishments under their control specified in column I of the Statement.

STATEMENT.

Class of subordinates.	By whom censured or fined.	By whom promotion withheld or suspended.	By whom reduced, removed, or dismissed.	Appellate authority.
1. Jailers and Assistant Jailers.	Inspector-General of Prisons.	Inspector-General of Prisons.	Inspector-General of Prisons.	Local Government.
2. Warders and Compounders.	Superintendent of Jail.	Circle Superintendent and Superintendents of Hill Jails.	Circle Superintendent and Superintendents of Hill Jails.	Inspector-General of Prisons.

Procedure prior to inflicting punishment. 116. Before inflicting any punishment, except of a petty nature, upon any officer of the jail, the Superintendent shall draw up clearly and briefly in writing a statement of the charges against him. A copy of this statement shall be furnished to the officer affected, who shall be allowed to submit in writing any explanation in regard to the charges that he may desire to offer. The Superintendent shall, after considering this explanation, record in writing his reasons for any decision at which he may arrive on each charge.

Provided that in all cases of offences in which an officer is liable to dismissal, removal or reduction, the order of dismissal removal, or reduction shall, except when it is based on facts or conclusions established at a judicial trial, or when the officer concerned has absconded with the accusation hanging over him, be preceded by a properly recorded departmental enquiry. At such an enquiry a definite charge in writing shall be framed in respect of each offence and explained to the accused; the evidence in support of it and any evidence which he may adduce in his defence shall be recorded in his presence and his defence shall be taken down in writing.

Each of the charges framed shall be discussed and a finding shall be recorded on each charge.

NOTE — In investigating charges against jail officers, Superintendents should bear in mind the following principles :—

- (1) The first statement made by complainants, accused and witnesses are the most valuable. They should, therefore, invariably be at once written down *verbatim*. Statements made latter, when there has been time to concoct a story, are comparatively valueless.
- (2) In grave cases, Superintendents, should record statements themselves and not leave the inquiry to filter through the Jailer's Report Book.
- (3) All statements should be taken down in the exact words of the complainant witness, or accused, and should be read over to him, signed and dated.

117. Every punishment inflicted on a jail officer shall be recorded in the Defaulter Book in Form No. 20. Admonition is not a punishment, but any formal warning shall be recorded.

118. Any officer affected by an order of punishment is entitled to have on application a copy of it duly attested by the Superintendent, and in case of suspension, reduction, discharge or dismissal the order shall state clearly the charge, the evidence and the grounds of the decision.

119. (1) Every officer against whom an order of punishment may be passed and who thinks himself wronged thereby shall be entitled to prefer an appeal against the order.

(2) No appeal shall lie against—

- (a) the discharge of a person appointed on probation if his discharge is ordered before the termination of his probation.
- (b) the dismissal or removal of a person appointed to hold a temporary appointment.

(3) Every Government servant desiring to prefer an appeal shall do so separately.

(4) Appeals from the decision of the Superintendents shall lie to, and be disposed of by, the Inspector-General and those from the decision of the Inspector-General shall lie to the Local Government.

(5) Every appeal preferred under this rule shall be accompanied by a copy of the order appealed against.

It shall contain all material statements and arguments relied on by the officer preferring the appeal, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the Superintendent of the jail to which the appellant belongs or belonged. The Superintendent shall forward every appeal so submitted with his remarks and any necessary record not furnished by the appellant.

(6) Every appeal shall be preferred within two months after the date on which the officer preferring the appeal was informed of the orders against which he appeals.

Provided that the appellate authority may at his discretion for good cause shown extend the period to twelve months.

(7) The Inspector-General having passed an order on any appeal may not take notice of a second petition on the same subject unless it contains some new and important matter.

(8) An appeal may be withheld—

- (i) which is an appeal in a case in which under this rule no appeal lies;
- (ii) which does not comply with one or more of the provisions of clause (5) of this rule;
- (iii) which does not comply with the provisions of clause (6) of this rule;
- (iv) which is a further appeal presented after a decision has been given by the appellate authority prescribed in clause (4) of this rule and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.

Provided that in every case in which an appeal is withheld the officer preferring the appeal shall be informed of the fact and the reasons for it.

(9) No appeal shall lie against the withholding of an appeal by a competent authority.

Provided that an appeal withheld for failure to comply with the conditions stated in clause (5) of this rule shall not be withheld if it is resubmitted in a form which complies with that rule.

(10) A list of appeals withheld by the Inspector-General under clause (8) of this rule with reasons for withholding them shall be forwarded quarterly to the Government.

Officer to 120. Every subordinate officer or servant suspended, dismissed, quit the jail charged or allowed to resign his appointment, shall be required at once on termination of any uniform or other property of Government entrusted to him.

Caution to 121. (1) When a Government servant is suspended he may go where officers under he likes but he must leave his address with the head of his office, and suspension also with the officer, if any, holding an inquiry into his conduct.

(2) He must obey all orders to attend an inquiry into his conduct, and if he fails to do so, the inquiry may be held in his absence.

Re-employ 122. No subordinate officer once dismissed or removed from orment of who has resigned his appointment in the Department, shall be employed dismissed again in any jail without the sanction of the Inspector-General, to whom all the circumstances shall be reported.

Prohibition 123. No person who has been convicted and punished with imprisonment or whipping shall be employed in any jail without the special sanction of the Inspector-General.

CHAPTER IX.

UNIFORM OF JAIL OFFICERS.

NOTE.—All officers subordinate to the Superintendent shall, when on duty, always appear in the uniform provided for them.

124 The following uniform is prescribed for Jailers :—

Jacket.—Khaki drill or serge, military field service pattern with two pockets on each side ; roll collar ; shoulder straps of the same material fastened with a small button ; shoulder strap badge—“cross-keys” with the word “Jailer” ; five buttons bearing the letters “A. J.” of white metal to be used down the front.

Trousers.—Slacks, khaki drill or serge, turned up at ends.

Shirt.—Khaki twill with turn-down collar and two breast pockets with flaps pointed and with button.

Tie.—Khaki.

Head-dress.—Khaki Wooley pattern helmet or khaki *sola topi* with khaki *pugree* and flash of dark blue cloth, 3" wide on left with two vertical $\frac{1}{4}$ " stripes of old gold, $\frac{1}{2}$ " apart in centre of flash ;

Badge.—Provincial device “Assam Jails” with eight pointed stars, wreath and crown.

Cap.—Fatigue cap (khaki), edged with silver lace and with badge on the left side.

Boots.—Brown leather ankle.

Whistle.—Regulation pattern with brown leather strap, carried in right breast pocket.

Belt.—Sam Browne with leather scabbard and brown leather sword knot.

Working Dress.—Khaki shirt with turn-down collar and shoulder straps. Khaki shorts with khaki stockings and shoes or khaki knickers with khaki putties and boots.

125 The uniform of an Assistant Jailer shall be similar to that of a Jailer with the following exceptions :—

Shoulder badges—nickel plated “cross-keys” with the word “Assistant Jailer” ; fatigue cap will be plain with badge only. The Assistant Jailer will not wear a sword except when acting as Jailer.

126. Jailers and Assistant Jailers shall provide themselves with the uniform prescribed above at their own expense. Arrangements will be made for the supply of their uniform from the Sylhet Jail at cost price. Swords, scabbards and slings will be provided by Government.

127. The uniform of a Head Warder shall be :—

Tunic.—Khaki drill and (for Dibrugarh and hill jails only) khaki serge in winter, with stand-up collar one inch high one pocket on each breast, shoulder straps, five half-ball brass buttons (inscribed A.J.) down the front two for shoulder straps and two for pockets ; for Chief Head-Warders gilt metal stars above the print of each cuff and for Head-Warders green chevrons on the right sleeve according to pay,

Uniform of
Assistant
Jailers.

Jailers and
Assistant
Jailers to
provide
uniform at
their own
cost.

Uniform of
Chief Head-
Warders.
and Head-
warders.

viz., four stripes for those on Rs. 35 and above, three stripes for those on Rs. 33 to Rs. 34 and two for those below Rs. 32.

Shorts.—Khaki drill.

Putties.—Khaki.

Head dress.—Khaki *pugree* with an edging of silver braid with a blue fringe.

Boots.—As prescribed (to be worn when on duty).

Waist belt.—Brown leather, 2 inches wide, with a silver plated badge with the words "Assam Jails Head Warder".

Great coat.—Khaki serge, police pattern without cape.

Jersey.—Woollen (for Dibrugarh and hill jails only).

Baton frogs.—To be slipped on to the waist belt.

128. Ordinary warders shall wear the same uniform as Head Warders, except that the *pugree* shall not have the silver edging; belts shall have brass badges with the words "Assam Jails-Warder" inscribed thereon; and there shall be no chevron on the sleeve. Gate warders shall wear a green chevron on the right arm.

129. Female warders shall be entitled to the following:—

Summer (annually)—

(1) Two suits (*i.e.*, 4 *saris* and 2 jackets), cost not exceeding Rs. 10.

(2) Two long *kurtas* cost not exceeding Rs. 2-8.

Winter (once in 3 years).

(3) One warm jacket cost not exceeding Rs. 5.

All these articles except the warm coat should be of white material. The *kurta* will be made with half-sleeves and will be long enough to extend to the knee. Over that will be a jacket with long sleeves and extending to the hips. The previous sanction of the Inspector-General is required for the purchase of the above uniform. In case of resignation or dismissal the female warder will have no claim over the current year's supply of uniform.

130. Each Head Warder and ordinary male warder shall be furnished at Government expense with—

Annually—

One pair of boots.

One pair of khaki woollen putties.

One *pugree* (khaki) with blue fringe.

Two suits of khaki cotton uniform clothing.

Once in eighteen months—

One woollen jersey (only in the Shillong,

Kohima and Aijal Jails).

Once in two years—

One set of chevrons for each Head Warder.

One chevron for each Gatekeeper.

Uniform of
Warders.

Clothing
for female
warders.

Supply of
uniform to
warders and
Head War-
ders at
Government
expense.

Once in three years—

One warm tunic (for Dibrugarh and hill jails only).

One great coat.

One mosquito net (in malarious districts only, if required).

Once in five years—

One set of five buttons.

Once in ten years—

One belt and badge ; the badges for the Head Warders may, if necessary, be replaced in interval.

Once only—

A Charpoy.

A box in which to keep Government uniform.

131. Head Warders and ordinary male warders will be required, if the Superintendent considers it necessary, to supply themselves with extra uniform at their own cost.

Extra uniform to be supplied at the cost of warders.

132. All warders shall be provided at Government expense with batons similar to those used by the police with thongs attached and with whistles.

Warders to have batons and whistles.

133. Each jail shall be supplied every three years with water-proof capes, for the use of sentries only, according to requirements but not exceeding six for each jail.

Provision of water proof capes for sentries.

134. Officers supplied with uniform at Government cost are prohibited from selling it and any unauthorized attempt to dispose of it will render the offender liable to prosecution. All suits and head-dress shall be clearly and permanently stamped with the date of issue, and this date shall be renewed when necessary. At every kit-inspection, all members of the warder establishment shall produce two complete sets of uniform. If any article is lost, or rendered unfit for use before the date fixed for issue of a new supply, it shall be replaced at the officer's expense.

Responsibility for uniform supplied by Government.

135. Uniform, buttons, leather belts, badges and shoes for both Head Warders and warders will be supplied on indent from Sylhet Jail or from such other firm as the Inspector-General may decide. Indents for Head Warders' and warders' uniform shall be submitted on the 1st of March each year.

Indents for uniform of warders.

Uniform shall be made in three sizes, as follows :—

No. I for tall men—say, from 5'9" to 6'0".

No. II for men of medium size—say, 5'7" to 5'9".

No. III for short men—say, from 5'5" to 5'7".

Indents should specify the numbers of each size required.

Detailed
rules about
the issue,
ownership,
custody and
care of war-
der's uni-
form.

136. (a) All the uniform, including shoes, supplied by Government to Head Warders and warders, is Government property during the period for which it is issued, and must be accounted for until the next periodical issue of uniform becomes due, but it is issued for the personal use of the officer to whom it is given and will be taken with him when transferred to any other jail. If the uniform is not properly used and becomes unserviceable before next issue becomes due, it will be renewed at the officer's expense; but after it has been in use for the period prescribed in Rule No. 130 it shall become the absolute property of the officer. This rule does not apply to arms and accoutrements, (*i.e.*, belts, badges, etc.) mosquito net, the charpoy and the box, all of which shall remain at the jail to which supplied, but any officer losing or damaging these otherwise than by fair wear and tear shall pay the cost of renewal or repair.

(b) When a Head Warder or warden dies, resigns, retires, absconds or is dismissed or discharged, his uniform will be taken over by an authorised jail official, and will be issued, at the discretion of the Superintendent, to the man who fills the vacancy or to a new recruit on the temporary list. The Superintendent shall determine the period for which the uniform should last and shall cause a note of it to be entered in the warden's service book.

Provided that if the uniform has been lost or has grossly deteriorated owing to the fault of a Head Warder or warden who resigns, retires, absconds, or is dismissed or discharged, its value or a part of the value to be determined by the Superintendent may be recovered from the officer at fault.

(c) Recoveries due from a Head Warder or warden under the preceding rule may be made from any pay or from security money due to him at the time of discharge or retirement and from the sale-proceeds of the uniform, and shall be reported to the Superintendent of the district jail of the circle to whom the treasury receipts for them shall be sent. As most of the apprentice warders taken on in consequence of discharge or retirement of Head Warders and warders will receive new uniform at the district jail of the circle, the district jail shall, in its annual account of expenditure, take credit for such recoveries by deducting the total sum recovered from the cost of uniforms.

(d) The Government supply of uniform shall be issued to Head Warders and warders, as it becomes due to them; to newly appointed warders at the time of appointment; to others on any date on which the period prescribed for the use of the last previous issue expires. The date of issue of every article of uniform shall be recorded in the officer's service book.

(e) When a Head Warder or warden goes on average pay leave he shall make over his uniform to the care of the (Chief) Head Warder or to any other persons authorised by the Superintendent. During the officer's absence the uniform shall not be used by any other Head Warder or warden.

(f). If a Head Warder or warden is granted sick leave or leave without pay for a period not exceeding 3 months and a local substitute is appointed, the officer who takes leave shall make over his uniform to his substitute for use during his absence, and shall take it back on his return from leave. Under no circumstances shall this give the

officer a claim to a new supply of uniform before it becomes due to him. He must bear the risk of improper use of his uniform by his substitute.

(g) If a Head Warder or warder is granted sick leave or leave without pay or furlough for a period exceeding three months (in which case the Superintendent of the district jail of the circle will supply a substitute who will take his own uniform with him) the uniform of the officer who takes leave shall be taken incharge of by the (Chief) Head Warder or other person authorised by the Superintendent as in the case of an officer on average pay leave, and it shall not be used by any other officer.

Note.—Absent Head Warders' or warders' uniform when bundled up and put away may be preserved from the attack of moths and other insects by sprinkling amongst the clothing before tying it up a handful of burnt crude borax known to the Assamese as sohaga.

(h) Whenever the uniform of a Head Warder or warder is not used by an officer acting for him during his absence on leave, the dates on which the next issue of the several articles of uniform will be due shall be advanced by the period during which the uniform is not used.

(i) All Government uniform except shoes issued to the Head Warders and warders shall at the time of issue, be neatly marked with the initials of the officer and year of issue in some place where the mark will not be conspicuous. For marking cotton uniform the extract of Bhelwah (*dhobis*' nut, *Semecarpus Anacardium*) may be used; for marking woollen clothing a piece of cotton tape should be sewn inside the collar.

(j) Special arrangement may be made in every jail for washing warders' uniforms, and a deduction to meet the actual cost will be made from each warder's pay monthly; this charge shall not exceed three annas. Or warders may make their own arrangements for getting cotton uniform washed by an outsider; but if they do so, neglect of a *dhobi* to return clothing or to wash it properly will not be accepted as an excuse for appearing in dirty or untidy uniform. The Superintendent will decide which system is to be followed. When it is necessary to cleanse the woollen tunics, this shall be done at Government expense. Before washing, the piping must be removed. Leather belting must be kept clean and polished with dubbing, which will be supplied from the jail; and badges must be kept bright. Uniform which has become damaged by fair wear and tear may be repaired in the jail by convict labour, free of cost.

CHAPTER X.

SECURITY DEPOSITS.

Officers required to furnish security. 137. Every Jailer, Assistant Jailer, and such other officers as may from time to time be ordered to do so, shall, whether holding regular appointments or on probation, furnish security and execute a security bond for the due performance of all duties required of them, and shall be strictly bound by the conditions and penalties set forth in the bond.

The amount of security to be furnished shall be, in case of an officer on a time-scale of pay, the average pay for one year of the scale to which the officer belongs, and in case of any other officer one year's pay.

The only form of security which shall be accepted from these officers, shall be Government promissory notes, stock certificates, Post Office Savings Bank security deposits, or Post Office 5-year cash certificates. Post Office cash certificates will be accepted at their present *i. e.*, surrender value, provided that the certificates are formally transferred to the pledgee in accordance with the rules of the Postal Department.

All the officers specified above shall in addition, either furnish personal security or find some one to stand surety for them to the amount of the security stated. This condition shall be dispensed with when the security required has been furnished in full.

Method of depositing security. 138. Any officer required to furnish security may deposit Government promissory notes, etc., for the full amount or pay the amount in full on appointment. If the amount of security is not at once deposited, it shall be recovered by monthly deductions from the officer's pay at the rate of 10 per cent. on the minimum pay of the post to which he is appointed. The officer may, however, at any time make a special payment of the balance equivalent to the remaining monthly deductions.

Accounts in Savings Bank for security. 139. The deduction made under Rule 138 shall be recorded in a special column in the acquittance roll, and a security register shall be maintained for the purpose of showing how far the required securities have been deposited. The Superintendent shall open in the nearest Government Savings Bank a separate account for each officer from whose pay such deduction has been made. The account shall be headed in each case "The Superintendent of the..... Jail on account of security of (name of officer concerned)", and every officer's monthly deposit shall be punctually paid into the Savings Bank by the Jailer, immediately after it is realised. The amounts realised by the deductions and paid into the Savings Bank shall be respectively debited and credited in the general cash book on proper dates. Security deposits lodged in the Post Office Savings Bank should be hypothecated to the Superintendent of the Jail.

Custody of Savings Bank pass books. 140. The Savings Bank pass books for security deposits shall be kept by the Jailer in his cash chest, and shall be produced by him to the Superintendent as vouchers whenever there is an entry in his cash book of the deposit of security money.

141. Previous to the transfer of an officer, he shall sign an application to the local Postmaster on the form prescribed by the Postal Department requesting that his deposit account may be transferred to the post office of the district or subdivision to which he is sent. The Superintendent will forward this application with the pass book, a letter authorizing the transfer of account, and a security deposit form duly filled in by the officer, requesting that the pass book may be transmitted direct to the Superintendent of the Jail to which the officer is being transferred.

142. When the amount of security money deposited in the Savings Bank reaches the sum of Rs. 100 an application shall, in any case where the depositor so desires, be made by the Superintendent of the Jail to which the depositor is posted to the Deputy Accountant-General, Posts and Telegraphs, Calcutta, in accordance with Rule 46, section VI of the Post and Telegraph Guide, for the purchase of Government promissory notes or stock certificates for the full amount deposited, if possible, and the depositor shall pay all charges incident upon the purchase.

143. When the full amount of security payable by a jail officer has been deposited in the Savings Bank, the Superintendent shall furnish the depositor with a certificate to that effect, stating the amount of deposit and shall advise him to send the certificate to his heirs or representatives so that, in case of the depositor's death, his heirs may put in a claim for the return of the security deposit.

144. All Government promissory notes or stock certificates tendered as security or purchased with security money, shall be endorsed or transferred by the officer who tenders them, to the Inspector-General of Prisons, Assam, and shall be sent by the Superintendent in a registered cover to the Inspector-General's office.

145. In the event of the death of an officer, the Superintendent shall after the lapse of six months from the date of death, if the officer's security is deposited in the Savings Bank, draw the security money from the Bank, or if his security is in Government promissory notes or stock certificates the Superintendent shall apply to the Inspector-General for the notes, or certificates which shall be endorsed or transferred by the Inspector-General for payment to the Superintendent and be sent to him. Any money claim the Government may have against the deceased officer, not covered by pay or other allowance due to him, shall then be recovered by the Superintendent from the security deposit money or the value of the Government promissory notes (which the Superintendent may realise, if necessary), as the case may be, and the balance, after settling such claims, shall be paid to the nearest District Judge, to whom the Superintendent shall at the same time furnish an account showing the amount of, or value realised for, the security, any pay or other allowance due to the officer on the date of his death, the Government claims against him which have been adjusted therefrom, and the balance paid in, with particulars of the name and native place of the deceased, the post he held, date of death, and nearest relatives if known. If no Government claim has to be recovered from Government promissory notes held as security, they shall be delivered to the Judge intact, endorsed to him.

Interest on
promissory
notes.

Payment of
interest.

Form of se-
curity bonds.

Security de-
posit in case
of sick leave.

Forfeiture of
security.

Procedure
when officer
leaves the
service.

Superintend-
ent's annual
routiny of
the market
value.

146. Interest on Government promissory notes or stock certificates deposited as security is payable to the officers who own them under the orders of the Controller of Currency. The securities of these officers should be dealt with in accordance with the procedure prescribed in Chapter VIII of the Government Securities Manual.

147. Interest on security money deposited in the Government Savings Bank may either be credited towards any undeposited portion of the security or be paid to the officer concerned.

148. Security bonds shall be executed in the prescribed form as soon after appointment as possible, and must be registered, but are free from stamp duty or registration fee. After registration the bonds of all jail officers shall be sent to the Inspector-General for safe custody.

149. The security deposit of any officer who is granted sick leave under a medical certificate without any leave allowance may be returned to him under the following conditions:—

- (1) If his leave is for six months, he may receive back half his security deposit.
- (2) If at the end of six months' sick leave, a Civil Surgeon certifies that the officer is still unfit for duty, and that further leave for six months is necessary, he may receive back the remainder of his security deposit.

In cases where the officer returns to duty, the total amount refunded above will have to be made good in the method prescribed by Rule 138.

150. No officer shall forfeit any part of his security without the sanction and order of the Inspector-General, except under the circumstances set forth in Rule 151. Whenever a Superintendent is of opinion that an officer should forfeit his security or any part of it, he shall refer to the Inspector-General for orders.

151. When an officer leaves the service on retirement, resignation or discharge, the Superintendent shall take the same action in respect of the officer's security as prescribed in Rule 145 in the case of the officer's death, except that any balance of security money realized from the bank or on Government promissory notes, after settlement of all Government claims, shall be paid to the officer concerned, or if the security is in Government promissory notes from which no claim has to be realized, they shall be delivered to him, duly endorsed, for payment to him, a receipt being taken from him in either case. But no security shall be relinquished within six months of the date the officer leaves Government service.

152. Superintendents shall at least once a year, see that the market value of Government paper which their subordinates have furnished as security is sufficient to cover the amount of security required. The valuation should be made with reference to the prices prevailing on the 1st May previous. Government paper tendered as security to Government should be accepted at its market value at the time of deposit. It is, however, not essential that the officer accepting the deposit should require the tender of more Government paper than is sufficient to meet the needs of the case. Since Government paper is

issued in round numbers either in hundreds or in multiples of 250, the amount of Government paper to cover the security required should be fixed having regard to the market value of the amount. In the case of such security appreciating or depreciating no readjustment of the value of the Government paper should be made unless the rise or fall of the market value is such as to render it necessary to call upon the depositor to produce further Government paper to the extent of at least Rs. 100 or to enable the officer to return to the depositor Government paper to the same extent. Even then no such adjustment should be made unless after such adjustment there is still a reasonable margin between the market value of the Government paper tendered and the amount of the security necessary.

This rule will not apply to those whose security has already been accepted at its face value.

153. The Superintendent shall submit to the Inspector-General so Submission as to be received by the 20th of January in each year a statement of statement showing the extent to which security has been deposited by the regarding several subordinates in his jail who are required to furnish security.

CHAPTER XI.

THE JAILER.

Statutory provisions. Section 16 of the Prisons Act, 1894, requires that the Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere. Under section 19 he shall not be absent from the prison for a night without permission in writing from the Superintendent; but if absent without leave for a night from unavoidable necessity he shall immediately report the fact and the cause of it to the Superintendent. Under section 17, he must give immediate notice of the death of a prisoner to the Superintendent and Medical Subordinates. Section 18 makes him responsible for the safe custody of records, commitment warrants and other documents committed to his care, and for money and other articles taken from prisoners.

General duties of Jailer. 154. The Jailer is the chief executive officer of the jail and is immediately subordinate to the Superintendent. He is generally responsible for the observance of all prescribed rules and orders and for the supervision of the subordinate staff.

Maintenance of discipline. 155. The Jailer's first duty is the maintenance of discipline among prisoners and subordinates. For this purpose he must be always present at the jail during the day except when he leaves it for his meals, to attend a Court of Justice, or on permission from the Superintendent.

To be present in the absence of Assistant Jailer. 156. The Jailer and Assistant Jailer shall not be absent from the jail at the same time during the day. The hours for meals should be so arranged that either the one or other is present at the jail. When no Assistant Jailer is available the Senior Head Warder must relieve the Jailer.

Daily inspection. 157. The Jailer shall visit every part of the jail daily, and shall see every prisoner at least once in every 24 hours.

Attention to persons of prisoners. 158. The Jailer shall see that prisoners are clean in their person and clothes, that they have the authorized amount of clothing and bedding and no more, and that those who are liable to be fettered are securely fettered.

Search of prisoners. 159. He shall at uncertain times, but at least once a week, cause every prisoner, and all clothing, bedding, workshops, wards and cells to be thoroughly searched.

Labour of prisoners. 160. He shall be responsible for the execution of all orders regarding the labour of prisoners, shall assign to each prisoner his work, and see that the prescribed tasks are performed.

Supply of food. 161. He shall supervise the cultivation of the garden and be responsible for the adequacy of the supply of vegetables. He shall likewise supervise the jail farm and all the other outside operations. He is, jointly with the Medical Subordinate, responsible for the proper preparation and distribution of the food.

Supervision of guard. 162. He shall supervise the working of the warder guard. At least once a week, at uncertain times, he shall visit the jail after 8 p. m. and satisfy himself that the guard is present, the sentries posted and on the alert, and that the rounds are being properly maintained.

163. He shall be responsible for the custody of all warrants and for the strict enforcement of their terms; and that no prisoner is on any account released before his time or kept in jail beyond the termination of his sentence. If whipping or solitary confinement is imposed in addition to imprisonment, the Jailer shall see that the prisoner is brought up at the proper time to receive his stripes or to be placed in the cells.

Enforcement
of terms of
warrants.

NOTE.—Concerning the responsibility of the Jailer in connexion with prisoners who have been admitted to jail as "approvers", see rule 782.

164. The Jailer shall once a year, usually in March, go through all the warrants in his possession, compare them with the registers, and satisfy himself that they are correct. He shall enter a certificate to that effect in his Report Book, and a copy of it shall be submitted to the Inspector-General by the 10th April.

Check of
warrants.

165. Though the Jailer's main duties relate to the direct control of prisoners and staff, he shall also exercise general supervision of the Jail Office.

Supervision
of the jail
office.

166. (1) The Jailer shall keep a Report Book, in which he shall duly record—

Maintenance
of Report
Book.

- (a) the hour of unlocking and locking and by what officers they were performed;
- (b) the number of prisoners admitted, discharged and locked up;
- (c) all reports made against upper subordinates, all serious breaches of discipline on the part of subordinates and prisoners, the offence with which charged, the time of its occurrence and other circumstances connected with it;
- (d) all cases in which he may have found it necessary to use restraint to any prisoner;
- (e) how far he has omitted any of the duties required by these rules, and the reason thereof;
- (f) the absence of any subordinate officer from duty and requests for leave of absence;
- (g) requests for sanction of unusual expenditure;
- (h) requests for the employment of prisoners in any special manner;
- (i) any representations or recommendations he may deem proper to make;
- (j) any unusual occurrence or matter of importance;
- (k) any matter on which he may require orders.

(2) Each day's report shall be dated and a consecutive serial number running through the calendar year shall be given to the subjects dealt with.

NOTE.—See also rules 198(4), 823, 832, 836(6) regarding other matters to be recorded in the Jailer's Report Book.

167. The Jailer's Report Book shall be laid daily, and oftener if necessary, before the Superintendent for his perusal and the issue of such orders as may be necessary. If the Superintendent has no remarks to make or orders to give, he shall append his initials with the date.

Superintend-
ent to peruse
Report
Book.

Execution of
Me d i c a
Officer's di-
rections.

168. The Jailer shall carry out forthwith emergent written directions of the Medical Officer regarding the sick in hospital or regarding sanitary arrangements, entering all such directions and the action taken thereon in his Report Book for the information of the Superintendent.

NOTE.—See also the following rules :—

14 and 46. Appointment and punishment.

68. Control of Medical Subordinates.

263 *et Seq.* Daily routine.

963. Maintenance of Registers.

998. Custody of Cash chest.

Jailer's
duties
on
death of a
convict.

169. When any prisoner dies, the Jailer shall send immediate notice of the death to the Superintendent and the Medical Officer, also to the Medical Subordinate, if he is not already acquainted with the fact. A return of every death of a prisoner or of any person residing on the jail premises shall be furnished by the Jailer to the Chairman of the municipality, or if there be not a municipality, to the Magistrate of the district.

Jailer's
responsibili-
ty with
regard to the
warder
guard.

170. The Jailer shall be held responsible that the warder guard is properly drilled, generally efficient, and clean and neat in appearance. It shall be his duty to see that a sufficient guard is at all times present at the jail, and properly armed. He shall see that all the warders invariably sleep in the quarters allotted to them. Any neglect or offence committed by a warder or other subordinate officer which comes to his knowledge shall be reported by him to the Superintendent in his Report Book.

Inventory of
jail property
on transfer,
resignation
or death of
Jailer.

171. On the resignation, transfer or discharge of a Jailer or when a Jailer takes leave (other than casual leave) he shall be required, on making over charge to his successor, to give an inventory of all property, stores, etc., in his hands, which will be kept in the jail records, a copy being given to his successor. A copy of such inventory should also be sent to the Inspector-General of Prisons. He shall give vouchers for all credit sales to the relieving officer. The Superintendent shall ascertain that the inventory is correct and complete and the unrealised credit sales are duly vouched for. After full time for all due inquiry, and not less than two months after the Jailer has left the jail, if the Superintendent be satisfied of the correctness of the account, a "no demand" certificate may be granted to him. In case of the Jailer's death, the inventory shall be made by, or under the directions of, the Superintendent and the certificate shall be granted and security given up after reference to the Inspector-General, and on the application of the heirs or executors of the deceased.

Duties of
Jailer when
a new Super-
intendent
assumes
charge.

172. When a Superintendent newly assumes charge of a jail it shall be the duty of the Jailer to bring to his notice all special rules and orders relating to that jail.

CHAPTER XII.

ASSISTANT JAILER.

173. An Assistant Jailer shall be considered to be on probation for the first six months of his service. He will be confirmed in his appointment when the Superintendent of the Jail certifies that he is a competent officer, and that he is thoroughly qualified to carry on the duties of Assistant Jailer. Promotion from the grade of Assistant to the grade of Jailer will be entirely by merit and will be made by the Inspector-General.

Confirmation of Assistant Jailer.

174. The Assistant Jailer is the Jailer's immediate subordinate whose duty it is to take his place whenever he is absent and to undertake whatever portions of the Jailer's duties may be delegated to him under proper authority. On every occasion on which he officiates for the Jailer, or is in charge of a jail, he shall possess all the powers and responsibilities of that officer. The duties of the Assistant Jailer should be recorded by the Superintendent in his order book.

His general duties.

CHAPTER XIII.

THE WARDER ESTABLISHMENT.

SECTION A.—APPOINTMENT.

Gover n -
ment to fix
perma nent
strength.

175. The permanent strength of the warder establishment in each jail shall be determined from time to time by the Government in accordance with ordinary requirements.

Sanctio n
to temporary
additio n s;
generally.

176. The Inspector-General may, in respect of any jail, sanction the entertainment of such temporary establishments in addition to the permanent establishment provided for in the last preceding rule as may at any time be urgently necessary; provided that all temporary establishments sanctioned otherwise than in accordance with rule 9 shall be so sanctioned subject to the approval of the Government, and that no such establishment shall be sanctioned in any case in which previous reference to Government can, without danger or inconvenience, be made.

Superint e n t -
er's powers in
emergencies.

177. Where the Superintendent considers that it is necessary for any reason to entertain any number of warders in excess of the sanctioned scale, and the matter is so urgent that the previous sanction of the Inspector-General cannot be obtained, he may, subject to immediate reference to the Inspector-General, entertain such number of temporary ordinary grade warders as may be necessary.

Control of
warders by
Circle Super-
intendents.

178. The control of the warder establishments in the Surma and Assam Valley districts shall be vested in the Superintendents of the Sylhet and Gauhati jails, respectively, who will be known as Circle Superintendents. The following are the jails and lock-ups in each circle:—

Sylhet Circle.—Sylhet, Sunamganj, Karimganj, Habiganj, South Sylhet, Silchar, Shillong, Aijal and Hailakandi lock-up.

Gauhati Circle.—Gauhati, Tezpur, Mangaldai, Dhubri, Dibrugarh, North Lakhimpur, Jorhat, Sibsagar, Golaghat, Nowgong, Kohima, Tura and lock-ups at Barpeta and Goalpara.

Appoint- ment and
punishme nt
of warders
by Circle
Superinten-
dents.

179. Save as provided in rule 180 the Circle Superintendent alone subject to the supervision of the Inspector-General shall have power to appoint, promote, degrade, transfer, remove or dismiss any Head Warder or warder of his own or of other jails in his circle.

Appoint- ment and
punishme nt
of warders
by Superinten-
dents of
Hill District
Jails.

180. A permanent Head Warder or warder appointed by a Circle Superintendent can be removed or dismissed by the Circle Superintendent. Subject to that condition a Superintendent of a hill district jail may, with the approval of the Deputy Commissioner, appoint, suspend, remove or dismiss any Head Warder or warder but the powers of promotion and transfer shall rest with the Circle Superintendent.

The Superintendents of hill jails shall report monthly all appointments, suspensions, punishments, and dismissals to the Circle Superintendent concerned for record.

Hill men shall not be transferred except for special reasons and after the approval of the Superintendent of the hill jails concerned has been obtained.

181. All warders shall be recruited by a circle jail and they shall be put through a course of thorough training before they are sent out to an affiliated jail. Should a Circle Superintendent be unable to obtain recruits of the requisite class in his own district or from outside the province, he may request the Superintendent of an affiliated jail where recruits are obtainable to select and forward the number required. The recruiting Superintendent must satisfy himself that the candidates are properly qualified as regards physique and character. The recruits will be entitled to actual expenses for their journey from the place of recruitment to the circle jail for which they are requisitioned and a subsistence allowance of annas four per head per diem from the date of enlistment.

Recruit-
ment of
warders.

182. (1) A service register (Form No. 19) shall be kept at the district jail containing, in respect of every Head Warder and warder, particulars of appointment, promotion, native district, all districts in which service has been passed and in which serving, rewards, offences and punishments and leave taken, with date, of each change or occurrence. A similar register shall also be kept at the Sylhet and Gauhati jails to aid in the verification of warders' service employed within their circles and to enable the Superintendents of these jails to have the record kept complete and up to date. The Superintendents of all jails and lock-ups guarded by jail warders shall furnish them with all necessary details of departure on, or arrival from leave, transfers, deaths, suspensions, dismissals, absconders, offences and punishments, with the date of every occurrence. Care must be taken that every entry made in the service register shall also be made in the separate service books and *vice versa*. Every offence committed shall bear a consecutive number in order of date of occurrence.

Service
books of
warders.

(2) The military service of Indian *ex-military* men employed in the Jail Department will count towards increment of their pay.

183. The minimum height for warders shall be 5 feet 3 inches and the minimum girth of chest 32 inches, but men of better physique should, if possible, be obtained.

Physical
qualifications
of warders.

184. Sleeping and cooking accommodation will be provided for warders in the jail premises. Every warder shall live in the quarters provided for him and shall not leave the jail premises without the permission of the Superintendent, Jailer or Assistant Jailer.

Quarters
for warders.

185. Female warders shall be employed in every jail in which female prisoners are ordinarily confined. In the absence of a female warder, the care of the female prisoners will be entrusted to an old and trust-worthy warder. Female warders shall be appointed by the circle Superintendent.

Female
warders.

SECTION B.—DUTIES.

Duties of
Chief Head
Warder.

186. (1) The Chief Head Warder, or in jails where there is no Chief Head Warder, the Head Warder senior in rank is, subject to the general control of the Jailer, the head of the warder establishment and responsible for its working and for the due carrying out of all rules relating to it and to the guarding of the jail.

(2) He shall assist the Jailer at unlocking and lock-up. He shall visit the guards and sentries frequently by day and at least twice a week at night, and shall make an entry of the hours of these visits, and of any irregularities he may discover, in his report book, which he shall maintain in a form similar to that of the Jailer and shall submit it daily to the Superintendent. He shall keep the attendance duty and other rosters and the registers of the warder establishment.

Duties of
senior Head
Warder.

187. The senior Head Warder shall have charge of the whole of the arms, ammunition, uniform and equipment of every description of the warder establishment and of the accounts relating thereto. He shall supervise the drill and practice in musketry of the men, the attendance of the standing guard, the mounting of sentries, reliefs, etc. He shall be responsible for the smartness and cleanliness of the warders and for their being at all times properly dressed.

Training
with the
police.

188. Warders whose training is not up to standard must be sent in suitable batches to attend the daily police parades in the lines. As soon as the initial training in drill and discipline is finished, the Superintendent shall insist on the Jailer and Head Warders attending daily to the drilling of the guard.

Conditions
of promo-
tions to
Head War-
der.

189. As a rule no warder shall be promoted to Head Warder unless he satisfies the Superintendent that he possesses a fair knowledge of drill, with ability to put a squad through the manual, firing and bayonet exercises, and unless he is able to read and write one vernacular. Promotion of the Chief Head Warder requires the previous approval of the Inspector-General.

NOTE.—A manual of drill for jails has been drawn up and supplied to all Superintendents, and the drill therein laid down should be strictly adhered to.

Assignment
of duty to
Wader.

190. Every warder shall have a particular duty assigned to him by the Superintendent, Jailer or Head Warder, senior in rank, such as the charge of a particular ward or set of wards, of a particular workshop or set of workshops, or of a particular gang of prisoners inside or outside the jail.

Summary
of duties of
Warder.

191. It is the duty of all warders—

- (a) to see that all convicts sentenced to labour in their charge are steadily at work, and to report to higher authority all cases of idleness, short work, or breaches of jail rules;
- (b) to prevent all unnecessary talking, all laughing, singing, playing, quarrelling and other unseemly behaviour and to report the offender;
- (c) to see that the prisoners keep order in moving about, and do not loiter about the jail;
- (d) to see that no prisoner leaves his own enclosure or communicates in any way with any prisoner in a different enclosure, or with any person outside the jail;

- (e) to abstain from all familiarities and unnecessary communication with prisoners;
- (f) to see that there is no dirt or litter in any part of the jail of which they are in charge, and that the drains are kept properly clean;
- (g) to see to the cleanliness of the persons and clothes of the prisoners in their gangs; that the prisoners bathe as often and at such hours as may be ordered; and that the bedding and clothing are well aired according to order;
- (h) to bring at once to the notice of the Jailer any signs of sickness or any prisoner complaining of sickness;
- (i) to prevent any breaking up of the gang of prisoners entrusted to their special charge, except only when necessary; to make over to a convict officer any prisoner desiring to go to the latrine, and to see that he is not too long away from his work and is not permitted to go to any place hidden from view whence he may effect his escape; to report any prisoner urinating in or otherwise befouling any drain or any part of the jail not set apart for the purpose;
- (j) to report any case of wilful injury to clothing or materials for work or to other Government property;
- (k) to prepare the prisoners for morning and evening muster by the Jailer, to report at once to that officer any prisoners who may be absent, to see that each prisoner comes to his proper place in proper order, and behaves well and keeps silent during meals;
- (l) to examine the wards, cells, bedding and clothing directly the prisoners have turned out, and to report at once any prohibited articles found;
- (m) to see that the cooks supply each prisoner with a proper amount of food, and that no food is secreted by the prisoners; to report the cooks whenever they neglect their work.

192. No warder shall, in any circumstances, leave his post till properly relieved, and his responsibility shall continue till so relieved. A warder relieved by another warder shall explain to his successor his duties and any special orders that may have been given to him by his superior officers. The relieving officer shall satisfy himself that the property or number of prisoners made over to him is correct.

Duty of
warder on
relief.

193. Warders in charge of worksheds shall be responsible for all tools and property kept in them, and shall see that these are carefully put away or stored on cessation of labour, and that no ropes, bamboos, ladders, or other things likely to facilitate escape, are left about.

Duty of
warder in
charge of
workshed.

194. If any warder has relations or connections among the prisoners, or has had any pecuniary dealings or close acquaintance with any of them, it is his duty to inform the Superintendent or Jailer of the fact.

Duty to
disclose re-
lations with
prisoner.

Duties of
female war-
der.

195. (1) Subject to the general control of the Superintendent and Jailer, the Female Warder on duty shall have the entire care and superintendence of the female prisoners.

(2) She shall be present at the opening of the wards and mustering of female prisoners every morning. She shall also be present at locking-up and see that every prisoner is present. During the day she shall have the custody of the keys of the wards, cells and yards in which female prisoners are confined, and at night, after locking-up, she shall deliver them to the Jailer.

(3) She shall see that the wards are thoroughly cleansed as soon as the prisoners turn out in the morning, at which time also the latrines, bathing places and all other parts of the female prison shall be swept and cleaned.

(4) Subject to the control of the Superintendent and Jailer, she shall allot the tasks to the female convicts sentenced to labour, and shall see that they are duly performed.

(5) She shall see that the female prisoners are clean in their persons and clothes; that they have the prescribed amount of clothing and no more; that their clothing and bedding are properly aired and folded and arranged in the place assigned to each prisoner.

(6) She shall search all female prisoners on admission and remove all prohibited articles found upon them. Money or other property delivered with them, or found on them, shall be dealt with in accordance with rules 231 and 448 *et seq.* She may search any female prisoner at any time and shall do so when directed by a superior officer. The search shall not be made in the presence of males.

(7) She shall take care that no male prisoner enters the female prison unless accompanied by an authorized jail officer as provided in rule 876.

CHAPTER XIV.

THE GATEKEEPER.

Under section 21 of the Prisons Act, 1894, the officer acting as Gatekeeper, or any other officer of the prison, may examine anything carried into or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into prison, and if any such article or property be found, shall give immediate notice thereof to the Jailer.

196. A literate Head Warder or warder shall be constantly on duty as Gatekeeper of every jail by day and night.

197. (1) The Gatekeeper shall admit or pass out of the jail as the case may be :—

- (a) all official and non-official visitors, police officers and officers of the Public Works Department on duty ;
- (b) officers of the jail going on, or coming off, duty inside ; and
- (c) prisoners duly authorized to enter and leave.

(2) With exception of the persons mentioned in clause (1), no person shall be permitted to enter or leave the jail, unless under a written order from, or when accompanied by, the Superintendent.

198. (1) All official and non-official visitors, casual visitors admitted with or under the orders of the Superintendent, respectable merchants, pleaders and the superior subordinates of other departments visiting the jail on business or on duty and jail officers above the rank of ordinary warder, shall ordinarily be exempt from being searched.

(2) Should the Gatekeeper have reason to suspect that any person, ordinarily exempt from search, is introducing or removing prohibited articles, he shall detain such person between the gates, and send notice to the Jailer, who shall himself if he thinks necessary conduct a search.

(3) Females shall only be searched by a female warder in private, and without the presence of any male officer.

(4) The Jailer shall occasionally, and at least once a week, at unexpected times, search some of the officials of the jail, subordinate in rank to himself, and who are ordinarily exempt from search, on their way into or out of, or when inside the jail, and shall report the circumstances that he has done so, with the results, in his report book.

(5) The search of all officers above the rank of ordinary warder shall be conducted by the Jailer with as much privacy as possible.

(6) Should any person other than a jail officer or prisoner decline to submit to be searched, or decline to deliver up any transferable articles in his possession to the temporary custody of the Gatekeeper, when required to do so, he shall be denied admission.

NOTE.—This rule must be worked with circumspection so as not to offend the feelings of officers and others.

Statutory provisions.

A gatekeeper to be on duty.

Persons allowed to enter and leave the jail.

Power to search persons.

General duties of Gatekeeper. 199. (1) In addition to the duty prescribed for Gatekeepers in section 21 of the Prisons Act, 1894, the Gatekeeper shall maintain such registers and enter therein such particulars as the Inspector-General may from time to time prescribe in that behalf.

(2) The Gatekeeper shall comply with all rules, regulations directions and orders for the time being in force, regulating the persons who may be permitted ingress to, and egress from, and the articles which may be taken into, and brought out of, the jail.

Record of persons and things entering and leaving jail.

200. (1) The Gatekeeper shall keep a record, in the prescribed registers (Forms Nos. 17 and 18), of the name of every person, and a sufficient description of every article of whatever kind, that passes into or out of the jail, with the hour and minute of such passage, and in the case of articles, the name of the person in whose custody they passed through.

(2) He shall require the production of a pass signed by competent authority, by every person not entitled to admission without one, and in respect of every article without exception that he allows into or out of the jail, and shall file all such passes as his authority for action.

Particulars of jail, prescribed by the preceding rule, shall be kept in two separate record. 201. (1) The record of all persons who pass into or out of the jail, prescribed by the preceding rule, shall be kept in two separate registers in Form No. 17, namely :—

- (a) of all prisoners, with the names of the officers in charge of them, and
- (b) of all other persons.

(2) The sufficient description of every article means the name, number or weight, as the case may be, and such other particulars as may be necessary, of all goods, tools, stores or other articles passed into or out of the jail.

(3) All entries relating to persons or articles shall be made at the time of their passage through the gateway and in consecutive order.

Gatekeeper responsible for condition of main gate.

202. The Gatekeeper shall be responsible—

- (a) for the cleanliness and tidiness of the passage between the gates and the security of all articles placed therein, which shall, for the time being, be in his charge ;
- (b) that the gates and wickets of the main gate, except when it is necessary to open them for the purpose of passing any person or thing into or out of the jail, are kept shut and locked ; and
- (c) for the safety and correctness of the keys entrusted to his charge.

Working of double gate system.

203. In jails provided with double gates with or without wickets, the Gatekeeper shall open only one gate or wicket at a time and, before doing so, shall satisfy himself that the other means of entry and exit are secure. Ingress and egress for ordinary purposes shall take place through the wicket doorways.

204. (1) On passing prisoners out of the jail the Gatekeeper shall first let them through the inner gate or wicket and, having locked it, shall write in full in the register provided for the purpose the names or register numbers of all the prisoners, the warders in charge and the convict officers (if any) assisting them. He shall then open the wicket in the outer gate and count the prisoners as they pass out, to verify the total.

(2) Every change in the constitution of a gang passed out of the jail must be noted and attested in the gate register by the signature or seal of the officer responsible for making the change, as well as by that of the Gatekeeper, who shall on the first opportunity report the circumstances to the Jailer.

(3) On passing prisoners into the jail, the Gatekeeper shall open the outer wicket and admit the gang to the passage between the gates. He shall then lock the outer wicket and call out the name or number of each prisoner, convict officer or warder, as recorded in the register. The gang having been found correct, he shall open the inner gate or wicket, and count the prisoners as they pass into the jail, to verify the total.

(4) The Gatekeeper shall be responsible that every prisoner or gang taken out of the jail is in charge of a guard of the proper strength duly authorized for this purpose.

205. When the prisoners are locked up for the night, the keys of the gates and wickets shall be locked into the fixed key-alminia at the main gate, referred to in rule 581. Duplicate keys of lock-up. The lock used on the outer gate or wicket shall be given by the Jailer to the visiting officers for the night, and the duplicate key of the lock used on the inner gate or wicket to the warder detailed to sleep between the gates.

206. The keys of the main gates and wickets of the jail shall be kept in one or two bunches, as may be convenient, and on a chain or ring, for safety and easy attachment to the waist belt.

207. A light shall be kept burning brightly in the passage between the gates throughout the night.

208. In the passage between the main gates shall ordinarily be kept—

- a clock ;
- a weighing machine ;
- spare handcuffs in a secure place ;
- a desk with lock and key for the Gatekeeper's books and writing materials ; and
- notice boards.

NOTE.—(1) Entries of ingress and egress or of any article entering and leaving between lock-up and unlocking shall be made by the guard officer in his night report for the information of the Gatekeeper, who shall incorporate them next day in the appropriate registers.

(2) A printed copy of these rules shall be posted in the main gateway of every jail close to the Gatekeeper's desk.

Method of
passing pri-
soners into
or out of
jail.

Bright
light at
night.

Articles to
be kept bet-
ween gates.

CHAPTER XV.

CLASSIFICATION AND SEPARATION OF PRISONERS.

Statutory provisions. Under section 27 of the Prisons Act, 1894, the following separation of prisoners is requisite, viz.:—

- (1) female prisoners shall be so separated as to prevent their seeing, conversing or holding any intercourse with male prisoners;
- (2) male prisoners under 21 years of age shall be separated from male prisoners above that age;
- (3) among male prisoners under 21 years of age, those who have arrived at the age of puberty shall be separated from those who have not attained puberty;
- (4) convicts shall be kept apart from unconvicted or under-trial prisoner; and
- (5) civil prisoners shall be kept apart from criminal prisoners.

Subject to these requirements, under section 28 convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

A, B, and C
Division
convicts.

209. All convicted prisoners shall be divided into three divisions, viz., A, B, and C.

I.—“A” DIVISION.

I. Convicted prisoners will be eligible for this division, irrespective of their nationality, if—

- (1) they are non-habitual prisoners of good character;
- (2) they by social status, education and habit of life have been accustomed to a superior mode of living;
- (3) they have not been convicted of—
 - (a) offences involving elements of cruelty, moral degradation or personal greed;
 - (b) serious or premeditated violence;
 - (c) serious offences against property;
 - (d) offences relating to the possession of explosives, firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed;
 - (e) abetment or incitement of offences falling within these sub-clauses.

II.—“B” DIVISION.

II. Convicted prisoners will be eligible for this division, irrespective of their nationality, who by social status, education or habit of life have been accustomed to a superior mode of living. Habitual prisoners will not be excluded automatically; the classifying authority will be allowed discretion to suggest their inclusion in this division on grounds of character and antecedents, subject to confirmation or revision by the Local Government.

III.—“C” DIVISION.

III. This will consist of all prisoners who are not classified in “A” and “B” Divisions.

IV. *Classifying authority.*—The High Court, Sessions Judges, District Magistrates, Subdivisional Magistrates and Magistrates of the first class (the two latter through the District Magistrates) in cases tried by them originally, or in other cases the District Magistrate, shall make the initial recommendation for classification in “A” and “B” Divisions to the Local Government, by whom these recommendations will be confirmed or reviewed.

As regards second and third class Magistrates, they should make suggestions to the District Magistrate, who will have the power to modify them and forward them to the Local Government for confirmation or review.

Recommendations of classifying authorities will take effect at once, in anticipation of sanction and subject to any modifying orders of Government thereafter.

V. Prisoners admitted to Divisions “A” and “B” shall have privileges as detailed in Chapter XLIII.

210. All convicts shall, as far as the requirements of labour and the cell accommodation of the jail will allow, be kept separate from each other both by day and by night.

211. Whenever, in any jail, all the cells are not occupied by prisoners undergoing separate, cellular or solitary confinement as a jail punishment or solitary confinement on warrant, or by prisoners under sentence of death, lunatics or lepers, the vacant cells shall ordinarily be occupied in the following order, namely :—

- (a) by juveniles, if there are juveniles in the jail and there are not sufficient means of separating them by night in the juvenile ward;
- (b) by approvers whom, under the orders of a court, or in the opinion of the Superintendent, it is desirable to keep apart;
- (c) by prisoners of any class who, in the opinion of the Superintendent, are of a bad or desperate character or who have escaped or attempted to escape from lawful custody or whom it is considered desirable for any other reason to keep apart from others;
- (d) by prisoners convicted under sections 376 or 377 of the Indian Penal Code;
- (e) by prisoners of the habitual class; and
- (f) by other prisoners.

Note.—Separation under this rule is distinct from solitary and separate confinement and as it is a disciplinary measure only and not a punishment, it is to have no irksome conditions attached to it, other than such as are necessary to secure the ends in view.

Convicts to be separated.

Occupation of vacant cells.

Procedure
when separa-
tion by day
is not feasi-
ble.

Division of
convicts into
habituals
and others
(i. e., ca-
suals).

Definitio n
of habituals.

212. A convict who would ordinarily come under the operation of the preceding rules relating to the separation of prisoners, but who cannot, owing to the requirements of labour, be confined in a cell by day, shall be confined in a cell by night.

213. All convicted prisoners shall be divided into two main divisions, *viz.*, habitual convicts and others (*i.e.*, casuals).

214. The following persons shall be liable to be classified as "habitual criminals", namely —

- (i) any person convicted of an offence punishable under Chapters XII, XVII and XVIII of the Indian Penal Code, whose previous conviction or convictions, taken in conjunction with the facts of the present case, show that he is by habit a robber, house-breaker, dacoit, thief or receiver of stolen property or that he habitually commits extortion, cheating, counterfeiting coin, currency notes or stamps or forgery;
- (ii) any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code, whose previous conviction or convictions, taken in conjunction with the facts of the present case, show that he habitually commits offences against the person;
- (iii) any person committed to or detained in prison under section 123 (read with section 109 or section 110) of the Code of Criminal Procedure;
- (iv) any person convicted of any of the offences specified in (i) above when it appears from the facts of the case, even although no previous conviction has been proved, that he is by habit a member of a gang of dacoits, or of thieves or a dealer in slaves or in stolen property;
- (v) any member of a criminal tribe, subject to the discretion of the Local Government concerned;
- (vi) any person convicted of an offence and sentenced to imprisonment under the corresponding section of the Indian Penal Code and the Code of Criminal Procedure as applied by order under the Indian (Foreign Jurisdiction) Order in Council, 1902, or by the authority of any Prince or State in India;
- (vii) any person convicted by a court or tribunal acting outside India under the general or special authority of His Majesty of an offence which would have rendered him liable to be classified as a habitual criminal if he had been convicted in a court established in British India.

Explanation.—For the purposes of this definition the word "conviction" shall include an order made under section 118, read with section 110 of the Criminal Procedure Code.

215. (1) The classification of a convicted person as a habitual criminal should ordinarily be made by the convicting court, but if the convicting court omits to do so, such classification may be made by the District Magistrate, or, in the absence of an order by the convicting court or District Magistrate, and pending the result of a reference to the District Magistrate, by the officer in charge of the jail where such convicted person is confined:

Classification of convicts as habitual criminals.

Provided that any person classed as a habitual criminal may apply for a revision of the order.

(2) The convicting court or the District Magistrate may, for reasons to be recorded in writing, direct that any convicted person or any person committed to or detained in prison under section 123 read with section 109 or section 110 of the Code of Criminal Procedure, shall not be classed as a habitual criminal and may revise such direction.

(3) Convicting courts or District Magistrates as the case may be may revise their own classifications, and the District Magistrate may alter any classification of a prisoner made by a convicting court of any other authority provided that the alteration is made on the basis of facts which were not before such court or authority.

NOTE.—The expression "District Magistrate" wherever it occurs in paragraphs (1) (2) and (3) above means the District Magistrate of the district in which the criminal was convicted, committed or detained.

(4) Every habitual criminal shall as far as possible be confined in a special jail in which no prisoner other than habitual criminals shall be kept:

Provided that the Inspector-General of Prisons may transfer to this special jail any prisoner, not being a habitual criminal, whom, for reasons to be recorded in writing, he believes to be of so vicious or depraved a character and to exercise, or to be likely to exercise, so evil an influence on his fellow prisoners that he ought not to be confined with other non-habitual prisoners, but a prisoner so transferred shall not otherwise be subject to the special rules affecting habitual criminals.

216. The Superintendent shall bring at once to the notice of the Deputy Commissioner concerned any case in which the sentence passed upon an habitual offender appears inadequate, so that the Deputy Commissioner may, if he considers it desirable, move Government through the Commissioner to file a motion before the High Court for enhancement of the sentence. He shall send to the Inspector-General at the same time a copy of any reference made by him to the Deputy Commissioner in order that the case may be reported to Government for information.

Report where sentence on habitual prisoner seems inadequate.

Descriptive 217. (1) With the warrant of every convict shall be sent his roll to be descriptive roll in the following form signed by Magistrate. This attached to roll shall be attached to the prisoner's warrant and shall be returned warrant of with it to the court, after the sentence has expired.
every conv-
ict.

NAME.

FATHER'S NAME.

Address.	Character.	Previous occupations.	Circumstances under which convicted.	Whether sentence appealable or not.	Other charges pending against prisoners with law and section.	Classification as A, B or C, Division convict.	Habitual or casual.
1	2	3	4	5	6	7	8

FORMER CONVICTIONS.

Date.	By whom convicted.	Offence (law and section).	Sentence.
9	10	11	12

(2) In the descriptive roll the Magistrate shall note whether the prisoner has been classed as first class or second class under-trial or, if he has not been classified as an under-trial, whether his previous standard of living was superior to the ordinary.

(3) When the prisoner is sentenced by a court superior to that of a Magistrate, the District Magistrate will arrange for the despatch of the descriptive roll to the Superintendent of Jail. If the Magistrate omits to send this descriptive roll, the Superintendent shall ask for it, and if the omission frequently occurs, he shall report the instances to the Inspector-General.

218. (1) In order to facilitate the identification of habitual criminals, special care shall be taken in filling up the columns relating to character in the Convict Register. The Superintendent and Jailer shall, on receipt of a prisoner, endeavour to ascertain from jail subordinates and long-term convicts, as well as from jail records, whether he has more convictions than are recorded against him in the warrant. Duty of Superintendent in regard to classification.

(2) In cases in which there is room for doubt whether a prisoner should be classed as an habitual or not, the Superintendent may refer the case for the orders of the convicting court or of the District Magistrate.

(3) When the Superintendent discovers that a prisoner has a previous conviction against him which has not been recorded, he shall immediately communicate the fact to the court which convicted the prisoner, and to the Superintendent of Police.

219. Habitual convicts shall, as far as possible, be separated from others. A separate barrack or ward shall be set apart for habitual convicts, and by these means separation at meals, parades, etc., shall be generally effected. If it is impossible to separate the classes entirely during work, Superintendents should do as much as can be done in this direction by locating habitual convicts in a definite part of the several worksheds or otherwise. Separation of habituals.

220. Superintendents shall examine all under-trial prisoners admitted to their jails, to ascertain whether they have been previously convicted. Whenever a conviction is thus discovered, intimation thereof shall be sent to the Superintendent of Police prior to the prisoner's trial. Superintendent to discover and report previous convictions of under-trials.

221. (1) Casual offenders shall be divided into two classes, *viz.*—

- (a) the Star class, and
- (b) ordinary.

The star class shall include such prisoners as may be selected by the Superintendent (subject to the control of the Inspector-General) on the ground that their previous character has been good, that their antecedents are not criminal and that their crimes do not indicate grave cruelty or gross moral turpitude, or depravity of mind. Star class prisoners.

(2) The mere fact that a casual prisoner has been previously convicted once or oftener for petty offences shall not ordinarily be a sufficient reason in itself for excluding him from the Star class; nor shall previous conviction for serious crime be held to debar him from such classification, if it was committed several years before, and during the intervening period he has led generally an honest life.

(3) In determining whether a prisoner is already of so corrupt a mind or disposition as to render it likely that he may contaminate others and cannot be much further corrupted himself, regard should be had to his age at the time of his last offence and on the dates of any previous convictions; the whole circumstances of the case shall be duly considered and the question of his classification shall be decided on general grounds and not on any hard and fast lines.

(4) Except when appointed to the rank of convict officer, prisoners of the Star class shall, as far as possible, be separated from others at all times both day and night.

(5) When a Star class prisoner prefers to be confined in a cell at night, and such accommodation can be provided for him, his wishes shall be complied with; but where only association wards exist in the jail for separation at night members of this class shall be confined together apart from other offenders.

(6) The clothing of Star class prisoners shall be distinguished as in Rule 393(d).

NOTE.—For the special rules relating to the several classes of prisoners, see *infra*, viz.:-

Civil prisoners	...	...	...	Chapter	XL.
Under-trial prisoners	...	...	...	„	XLII.
Female prisoners	...	...	...	„	XLIX.
Juvenile prisoners	...	...	...	„	L.

CHAPTER XVI.

ADMISSION OF PRISONERS.

The power of officers in charge of jails in Assam to give effect to Statutory the sentences or orders of Courts is defined in Part V of the Prisoners provisions. Act, 1900.

Under sections 24 and 25 of the Prisons Act, 1894, a prisoner shall be searched on admission and all weapons and prohibited articles shall be taken from him. Female prisoners shall be searched by the female warden. Every criminal prisoner shall be examined under the orders of the Medical Officer, and a record shall be made of the state of his health and of certain other particulars. The property of a criminal prisoner shall be placed in the custody of the Jailer.

"History-ticket" is defined in section 3(b) of the Act to mean the ticket exhibiting such information as is required in respect of each prisoner by the Act or the rules thereunder.

222. The Superintendent or Jailer shall receive and detain all Proper warrants to accompany each prisoner. prisoners duly committed to his custody by any court or Magistrate according to the exigency of any warrant or order by which such prisoner has been committed. In case no regular warrant or order accompanies the prisoner the Superintendent or Jailer shall immediately apply to the person who forwarded the prisoner for the necessary order and other documents and shall detain the prisoner as laid down in rule 225 until the regular warrant or order signed by an authorized court or Magistrate, has been received.

223. Before admitting a prisoner, the Jailer shall question him and ascertain that his name and other particulars correspond with those entered in the warrant or order. Jailer to question him on arrival.

224. All convicted prisoners shall be admitted irrespective of the time at which they may arrive at a prison. Under-trial prisoners shall not be admitted after the jail has been locked up for the night without the written orders of a Magistrate. Time for admitting prisoners.

225. Prisoners received in a jail after it has been locked up shall be confined in separate cells or the under-trial ward for the night or kept at the main gate under proper custody. Barracks shall not be opened at night for this purpose. Custody of prisoners received after lock-up.

226. (a) As soon as possible after a prisoner's admission his warrant shall be examined by the Superintendent to see that it is in proper order. If a warrant is incorrect or incomplete, and it seems likely that the error or omission is due to a clerical mistake, it may be returned for correction to the issuing court which has power under section 369 of the Criminal Procedure Code to correct such errors even in a judgment and which can always amend the warrant so as to make it correspond with the judgment. In this case a copy shall be retained till the original is returned. Procedure if warrant irregular.

(b) In case the Superintendent doubts the legality of any warrant sent to him for execution, he should follow the procedure laid down in section 17 of the Prisoners' Act, III of 1900, but the reference therein prescribed shall be made to the Local Government through the Inspector-General.

Illustration I.—A warrant which does not specify whether imprisonment is to be simple or rigorous, or which mis-states the prisoner's name or omits the term of imprisonment shall be returned for correction.

Illustration II.—A warrant purporting to be issued by a Magistrate of the first-class and directing that a prisoner be subjected to rigorous imprisonment for a single offence for a term of seven years should be submitted to Government through the Inspector-General for orders.

(c) The Superintendent shall satisfy himself that classification statements in the prescribed form filled up and signed by the Magistrate who sentenced the prisoner or committed him to the sessions are attached with the warrant. In case these statements are not received with the warrant, the Superintendent shall at once remind the court concerned and obtain them.

Warrant to contain particulars of fine.

227. (1) If at the time of commitment, the warrant of a prisoner sentenced to pay a fine contains no information as to whether the fine or any part of it has been paid, a reference shall be made to the court, and the purport of the reply noted on the warrant.

(2) Information received from a court or Magistrate, subsequently to the admission of a prisoner, that a fine has been paid in part or whole on his behalf, shall be endorsed on the warrant, and an acknowledgment sent to the court concerned.

NOTE.—The courts are responsible that the information required by clause (2) is sent to the jail without undue delay.

Check of prisoner's property.

228. The Jailer shall furnish the officer who delivers a prisoner at the jail with a receipt noting therein the property received with the prisoner, which shall be carefully examined and shown to the prisoner at the time of his admission. The prisoner's acknowledgment that he has seen the property and that it is correct shall at the same time be taken in the Convict Register.

NOTE.—For instructions for the grant of receipts to the police escort when prisoners are received by transfer, see rule 527.

Prisoners to wash themselves and their clothing.

229. On admission to jail every prisoner shall be required to wash his person and his clothing thoroughly. If epidemic disease exists in the neighbourhood from which he comes, his clothing shall also be disinfected by being steeped in a solution of corrosive sublimate or by being boiled. In such cases special care shall also be taken to cleanse the prisoner's person, especially his hair.

Search of prisoners on admission.

230. Prisoners after having washed, shall be carefully searched by a jail official. Female prisoners shall be searched and the washing conducted in the female yard. A and B Division prisoners shall wash and be searched in their own yard, or in a cell, and not in the presence of other prisoners. Searches of prisoners conducted under this and other rules of the Jail Manual shall be made with due regard to decency and with reasonable privacy.

231. At this search every article, whether clothing, bedding, jewellery, money, documents or otherwise, shall be taken away from prisoners sentenced to rigorous imprisonment, to whom an issue of jail clothing and bedding in accordance with the rules in Chapter XXII shall be made. From prisoners sentenced to simple imprisonment every article shall be taken away except personal clothing ; from under-trial prisoners money and any property other than clothes, bedding, personal ornaments, papers and letters shall be taken ; while from civil prisoners only dangerous weapons, articles calculated to facilitate escape, and such prohibited articles as spirits, drugs and immoral books shall be taken. The caste threads of Brahmins or other thread-wearing castes and the conch shell or iron wristlet of a married woman shall in no case be removed. All articles removed from a prisoner under this rule shall be dealt with under the rules regarding prisoners' property.

232. Every newly admitted prisoner shall be subjected to such period of quarantine as the Superintendent, on the advice of the Medical Officer, shall direct. During the period of quarantine, the prisoner shall be strictly separated, by day and by night from all prisoners not undergoing quarantine. If epidemic disease appears in the quarantine ward, no resident of the ward shall be allowed to mix with other prisoners who are not contacts until the expiry of 14 days from the date of disappearance of the last case of disease.

233. Every prisoner on arrival at the main gate, and before he is locked in the quarantine enclosure or ward, shall be examined carefully by the medical subordinate in the presence of the Jailer or Assistant Jailer on duty. The name of the prisoner, the time of examination, and the result of the examination, with special reference to any injuries, wounds, contusions or abrasions detected shall be entered in the Jailer's report book and the entries shall be signed by the Jailer or Assistant Jailer, as the case may be, and the medical subordinate. The clothing of all prisoners shall be carefully examined, and if suspicious stains are found, the District Magistrate shall be informed and the clothing stored under lock and key.

Examination of prisoner with special reference to injuries.

234. The Superintendent shall report at once to the District Magistrate full particulars of any recent injuries, wounds, contusions or abrasions found on the person of any prisoner, which appear to be due to violence and which are not explained by the nature of the case in which the prisoner is accused or has been convicted.

Superintendent to report certain injuries to the Magistrate.

235. Every prisoner sentenced to rigorous imprisonment shall be provided with jail clothing according to the scale laid down in Chapter XXII.

Clothing for convicts.

236. Every convict shall be brought for examination fully equipped with clothing before the Medical Officer, who shall enter in the Admission Register the state of health of the prisoner, whether good, indifferent or bad, with any other observations, and, if the prisoner is sentenced to rigorous imprisonment, the class of labour for which the prisoner is fit, whether hard, medium or light.

Medical examination and Superintendent's check of entries.

The Superintendent shall enter in the register the particular labour on which the prisoner will be employed. He shall ask the prisoner and record whether the prisoner elects to appeal or not. The

details of the prisoner's property shall be read out and the Superintendent shall countersign the entries after satisfying himself of the accurate description of the jewellery or other valuables and the amount of cash.

Method of calculating sentence

237. (1) The duration of a sentence shall be calculated by the calendar year or month unless stated in weeks or days.

(2) When a prisoner's sentence contains a fraction of a month, the date of release shall be calculated by reducing the fraction to days, a whole month being, for this purpose, taken to consist of 30 days.

Illustration.—A prisoner is sentenced to one and a half month's imprisonment on the 2nd February. The date of his release will be the 16th March.

Commencement of and breaks in, imprisonment how reckoned.

238. (1) In calculating the date of expiry of a sentence of imprisonment in a criminal case, the day on which the sentence was passed and the day of release should both be included as days of imprisonment. Similarly, if a convict is released on bail pending appeal, or if he escapes, the day on which he was released or escaped, and the day on which he was re-admitted or re-captured, shall both be counted as days of imprisonment.

Illustration 1.—A prisoner sentenced on the 1st January to one month's imprisonment should be released on the 31st January and not on the 1st February.

Illustration 2.—A prisoner sentenced on the 28th February to one month's imprisonment should be released on the 27th March.

Illustration 3.—A prisoner sentenced on the 1st January to one month's imprisonment escapes on the 15th January and is re-captured on the 16th. He will be entitled on the original warrant to release on the 31st January.

Illustration.—A prisoner sentenced on the 1st January to one day's imprisonment should be released the same day. But if he is sentenced to imprisonment for 24 hours, he should be kept in confinement for that period and not released until the 2nd January.

(2) The period of imprisonment to be undergone shall be reckoned from the date on which the sentence is passed except in cases which fall under sections 35(1), 396(3) and 397 of the Criminal Procedure Code, when the directions of the Court shall be followed.

Imprisonment in default of giving security plus a substantive sentence.

239. (1) When a person in respect of whom an order requiring security is made under section 106 or 118 of the Code of Criminal Procedure, is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiry of such sentence. See section 120, Code of Criminal Procedure. If such a person fails to give security on or before the date of expiry of his substantive sentence he shall be detained in jail until the expiry of the period for which security is required to be furnished, or until the requisite security is given. It is not necessary in such cases that a formal warrant should be issued by the Magistrate for the detention of such person in the jail after the expiry of the substantive sentence.

Illustration.—A prisoner while undergoing three month's imprisonment is ordered by a competent court to execute a bond under section 106, Criminal Procedure Code, for keeping the peace for a term of six months in a sum of Rs. 25 and one surety for a like

amount, but fails to give security on or before the date on which the three month's substantive imprisonment expires. He should be detained in jail until he furnishes the required security, or until the term for which such security is to be given is completed, but no formal warrant is necessary for such detention.

(2) If a person, while undergoing imprisonment under an order under section 123, Criminal Procedure Code, in default of furnishing security, is convicted of an offence committed prior to the making of the order and sentenced to imprisonment, such sentence shall commence from the date on which it was passed ; and if such sentence should expire before the period for which the person is undergoing imprisonment in default of giving security, he shall be detained for the remainder of such period.

(3) If however, a person while undergoing imprisonment in default of furnishing security is convicted of an offence committed after the making of the order under section 123, Criminal Procedure Code, and sentenced to imprisonment, such sentence shall commence at the expiration of the imprisonment for failure to furnish security unless the court directs that such sentence shall run concurrently with the imprisonment for failure to furnish security.

As imprisonment in default of furnishing security is a precaution for the safety of the public and not a punishment for an offence, in the cases mentioned under sub-rules (1) and (3) the Superintendent shall report the case to the Magistrate of the district, for action under section 124 of the Criminal Procedure Code if he thinks fit.

240. When a prisoner has been ordered by a Magistrate to give security for a period exceeding one year and the prisoner not having given such security is detained in prison pending the orders of the Sessions Judge, the prisoners shall undergo simple or rigorous imprisonment as the Magistrate may direct, until the receipt of a fresh warrant of the Sessions Judge. The Superintendent shall keep a separate note of such prisoners and remind the court if the Sessions Judge's order is not received within a reasonable period, and on its receipt return the warrant issued by the Magistrate. Pending the orders of the Sessions Judge, the period of his detention shall count as imprisonment in default of furnishing security.

Imprisonment in default of giving security for a period exceeding one year.

241. When a prisoner is sentenced to two or more periods of imprisonment to be served consecutively, the date of release shall be calculated as though the sum of the terms was awarded in one sentence.

Date of release when two or more sentences run consecutively.

Illustration 1.—A prisoner sentenced on the 21st November 1898 to two substantive terms of imprisonment of one year each, should be released on the 20th and not the 19th November 1900.

Illustration 2.—A prisoner is sentenced on the 1st January to two months' imprisonment and a fine of Rs. 2/-, or in default to one month's alternative imprisonment. If the fine is not paid, he should be released on 31st March, but if the fine is paid, on 8th February.

Date of release when there are more sentences of imprisonment than one.

242. When there are more sentences of imprisonment than one to be carried out against the same person, they take effect one after the other in chronological order, each to be completed before the next one commences.

To this rule there are three exceptions:—

- (1) A court may, in passing sentence, order that it shall run concurrently with a previous sentence, whether of substantive imprisonment or of imprisonment in default of payment of fine, or of imprisonment in default of furnishing security.
- (2) Where a person undergoing imprisonment by virtue of an order under section 123 of the Code of Criminal Procedure in default of furnishing security is sentenced to imprisonment for an offence committed before the date of the order, the latter sentence takes effect at once.
- (3) A sentence of imprisonment in default of payment of fine does not take effect until after all outstanding sentences of substantive imprisonment have been carried out.

Effect of annulling the first of two sentences.

243. When a prisoner is undergoing more than one sentence and the first sentence is annulled on appeal, the second sentence shall take effect from its own date.

Illustration 1.—A prisoner is sentenced on 1st July to two periods of six months' imprisonment for two offences. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st December.

Illustration 2.—A pris ne is sentenced on 1st July to six months' imprisonment and on 1st August to another period of six months' imprisonment. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st January.

Calculation of the date of release in cases of recaptured prisoners or prisoners who have been on bail pending disposal of appeal.

244. The following method shall be adopted in calculating the date of release of a prisoner who after conviction is released on bail but is afterwards re-committed to jail to serve out his sentence, or who escapes and is subsequently re-captured. Add to the term of his sentence the number of days the prisoner is on bail or at large, exclusive of the day of release and re-arrest, or of escape and re-capture; the date on which the sum of these periods will elapse, counting from the date of conviction, is the date of expiry of sentence.

This rule will not apply to a prisoner sentenced under sections 106, 118 and 123 of the Criminal Procedure Code to imprisonment in default of furnishing security if the prisoner is released on bail while serving such sentence, pending the disposal of his appeal against that sentence. The period during which he is on bail will count as part of his sentence.

Date of release of prisoner sentenced for escape.

245. If a prisoner receives a sentence for escape, the date of release shall be re-calculated in accordance with section 396 of the Code of Criminal Procedure.

Date of release from imprisonment in default of payment of fine.

246. If a prisoner be sentenced to imprisonment of which the whole or any portion is in default of the payment of any fine, and if the fine be not immediately paid, the dates of release shall be calculated and entered on the prisoner's warrant and ticket and in the registers so as to correspond both with payment and with non-payment of the fine.

Date of release when fine is partially paid.

247. If a prisoner who is sentenced to a fine and in default to imprisonment pays any portion of the fine, the date of release shall be proportionately altered. If the imprisonment in default of payment of fine is expressed in calendar months, the reduction of imprisonment to be made in consequence of such payment shall be calculated

in calendar months, and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days, or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

Illustration 1.—If a prisoner be sentenced on 1st January to six months' imprisonment and to a fine of Rs. 300, and it be ordered that if the fine be not paid he be imprisoned for a further period of six months, then supposing that the prisoner immediately on conviction pays Rs 100, the date of release shall be first fixed at 31st October (viz., six months + four months the equivalent of the fine unpaid); if he afterwards pays another Rs. 100, the date will be changed to 31st August, and on his paying the whole 3rd June.

Illustration 2.—A prisoner is sentenced on 1st January to a fine of Rs. 300, or in default to six months' imprisonment. No part of the fine is realized except a sum of 12 annas. He should be released on the 29th June, though the amount realized is less than the full amount due for a single day.

248. If a prisoner sentenced to imprisonment in default of payment of fine receives another sentence while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires, or if the fine is paid, from the date of payment.

Illustration.—A prisoner is sentenced on the 31st January to a fine of Rs. 30 or in default to two months' rigorous imprisonment, and on the 12th of February of the same year he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on the 28th February. The sentence for four months should begin from the 8th February and not from the 31st January.

NOTE.—But see section 398(2) of the Criminal Procedure Code in regard to sentences of imprisonment in default of payment of fine, which are annexed to several substantive sentences of imprisonment or transportation.

249. When an Appellate Court simply modifies a sentence passed by a lower court without change of section, or when an Appellate Court passes a new sentence by changing the conviction section of the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

250. (1) When an Appellate Court directs that the execution of a sentence or order appealed against be suspended, the appellant shall, if detained in jail pending the further orders of such Appellate Court, be treated in all respects as an under-trial prisoner.

(2) Should the appellant be ultimately sentenced to imprisonment, penal servitude or transportation, the period during which the original sentence was suspended, shall—

(a) if passed in jail, be included, and

(b) if passed out of jail, be excluded, in computing the term for which he is sentenced by the Appellate Court.

251. Every convicted prisoner shall be provided with a history-ticket in the prescribed form. The Superintendent shall cause the full information required by the printed entries at the head of the ticket to be recorded. The Superintendent and the Medical Officer shall record therein the prisoner's state of health and the labour on which he is to be employed, and the history-ticket throughout the period of imprisonment should be so maintained as to be a continuous record of the prisoner's conduct and employment. Entries of weightment shall be recorded fortnightly and the Superintendent shall record in his own handwriting all entries of punishments. Entries of appeal letters received and sent, interviews, admissions to, and discharges

Calculation of sentence awarded to prisoner undergoing imprisonment in default.

Calculation of sentence modified on appeal.

Procedure when sentence is suspended.

His t o r y-tickets.

from, the hospital and the convalescent and infirm gangs and employment on outgangs shall be made as occasion requires and initialised by the Superintendent. Entries in regard to issues of clothing and awards of remissions shall be made and initialised by the Jailer or the Assistant Jailer in charge.

Custody of
his t o r y-
tickets.

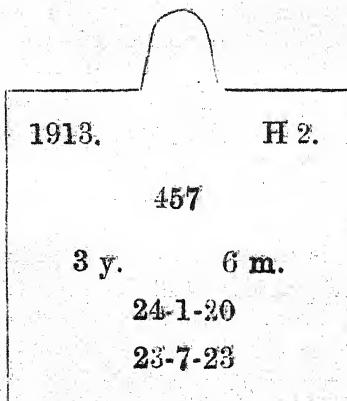
252. The history-tickets shall be kept in a proper receptacle in the jail office. The Jailer shall be responsible for their correctness and safe custody but may delegate this duty to an Assistant Jailer. When a prisoner is admitted to hospital, his history-ticket shall be sent with him and the Medical Subordinate shall be responsible for its safe custody. The history-ticket shall be preserved for one year after the release of the prisoner, or in the event of a prisoner's death, by the Medical Subordinate, for two years. When a prisoner is transferred to another jail his history-ticket shall be sent with him.

Registering
and serial
numbering of
prisoners.

253. The name of every convicted prisoner shall be entered in the Convict Register, each entry being numbered serially from 1 to 10 000, and the name of every under-trial prisoner shall be entered in the Undertrial Register, the entries being similarly numbered. The name of each civil prisoner shall be entered in the Register of Civil Prisoners, the entries in which will be numbered serially from 1 to 1,000.

Tickets to
be worn by
convicts.

254. Every "C Division" prisoner sentenced to rigorous imprisonment who is not a convict officer shall wear a wooden label on the left breast suspended from a button by means of a leather or webbing button-hole. On this shall be stamped the register number of the prisoner, his class and, if he is an habitual, the number of previous convictions by the side of the letter H, the section under which convicted, the term of sentence, the date of conviction and the date of termination of sentence, thus:—



Entries in
the Adminis-
stration Register.

255. (1) In the Admission Register shall be recorded a full personal description with the identification marks of the prisoner. His state of education, details of previous convictions and complete particulars of the term and nature of the present sentence shall be entered. The letter "P. R." shall be added in the red ink against the name of all police-registered prisoners in the admission and release registers and on

the prisoner's warrant and if for any other reason a prisoner is required to be released in the district of his residence, the fact shall be similarly noted.

NOTE.—For instruction about "P. R." prisoners see rules 544 and 565, Chapter XXX (Release of Prisoners).

(2) In the recording of the full personal description of the prisoner the following rules should be observed in filling up particulars of the age, height, face, colour and marks of the prisoners :—

Age should be estimated by the Medical Officer and not merely filled up from the warrant of imprisonment. The height of the prisoner should be measured with care. In regard to face an attempt should be made to describe any striking peculiarity of the features, *e.g.*, whether the brows are arched, beetling or otherwise, whether the nose is aquiline, straight, concave, sinuous, long, thick, flat or broad-nostriled, whether the mouth is broad or the lips thick or protruding, whether the ears are flat, large or projecting and the ear lobe distinct or absent.

The colour should also be carefully noted and marks, such as pock marks, scars, etc., described minutely.

(3) The name and address of the nearest relative (or friend if so desired) of every prisoner shall be entered in column 3 of the Admission Register.

256. The Superintendent shall satisfy himself that the amount of the prisoner's sentence and date of release, as the case may be, are correctly noted in the admission and release registers, the history-ticket and the warrant cover. The entries in the registers, the history-ticket and the warrant cover shall be initialled by the Superintendent and the Jailer in token of their having checked and found them correct.

257. The Superintendent shall be responsible that necessary alterations are made in the registers and documents noted in the preceding paragraph when a prisoner's sentence is enhanced or reduced on appeal. Similar precautions shall be taken on the receipt of notice of realization of fine. The Superintendent and the Jailer shall initial these alterations.

258. The Superintendent shall personally inform prisoners of the alterations made in their sentence on appeal or as the result of the amount of fine having been realized in full or in part.

259. When an order of release or an order modifying a sentence or a notice of payment of fine is received in a jail, the Superintendent shall, if the prisoner has been transferred to another jail, at once forward the order or notice by registered post to the Superintendent of jail concerned. It will be the duty of the Superintendent to obtain a receipt for the order or notice from the Superintendent of the Jail in which the prisoner is confined.

Responsibilities of Superintendent for alterations in date of release.

Superintendent to inform prisoners of any alteration in sentence.

When prisoner has been transferred to another jail, Superintendent to send information of alteration of date of release.

Arrangement and custody of warrants.

260. Prisoners warrants shall be arranged according to dates of release and kept in monthly bundles, the warrants of prisoners to be released in a particular month being placed in one bundle and each bundle being docketed outside with the month and year. They shall be kept in a locked drawer or almirah of which the Jailer shall keep the key. Copies of judgments, orders of Appellate Courts and orders of Government disposing of prisoner's petitions, together with correspondence relating to payment of fine, classification, etc., shall be filed and kept with the warrant of the prisoner to whose case they relate.

(See rule 564 for final disposal of warrants.)

Rules regarding the cutting of hair. Exceptions.

261. (1) Every male convict sentenced to rigorous imprisonment for a longer term than one month shall, on final confirmation of the sentence, or expiry of the period of appeal without an appeal having been preferred (provided the unexpired term of such convict's sentence at that time exceeds one month), have his head close shaved, or, if a European or other prisoner so classed, his hair clipped and shall be subsequently shaved or clipped not less seldom than once in every fifteen days. Hindus shall be allowed to retain the *chutia* or top knot the size of which shall be 6 inches long and 3 inches in diameter as nearly as possible. In the case of Europeans and others so classed the hair shall not be clipped closer than is necessary for purposes of health and cleanliness. The beard and moustaches of all convicts coming under this rule shall be closely trimmed or clipped, the beard of Muhammadans being left an inch in length. In this rule "final confirmation of the sentence" means the decision of an appeal under Chapter XXXI of the Code of Criminal Procedure.

NOTE.—See rules as to Convict Officers, Chapter XX.

(2) All prisoners to whom the above proceedings would be justly offensive or degrading shall, at the discretion of the Superintendent, be exempted from them. During the month immediately preceding release, the hair shall be allowed to remain uncut and unshaven.

(3) No convict sentenced to rigorous imprisonment for a month or less shall be subjected to the operation of head-shaving or hair-cutting except to get rid of vermin or dirt, or when the Medical Officer deems it necessary on the ground of health and cleanliness, and then the hair shall not be cut closer than may be necessary for the purposes in view.

NOTE.—There is nothing to prevent the cutting, shaving or trimming of the hair of any convict at any time at his own request and under the written orders of the Superintendent, or if necessary on medical grounds and under written directions of the Medical Officer.

Prisoners to be instructed in the jail rules.

262. After prisoners are received into jail an abstract of the rules relating to their conduct and treatment shall be read over to them in a language understood by them and explained. A copy of this abstract in the vernacular language of the district shall be hung up in each criminal ward.

CHAPTER XVII.

GENERAL DISCIPLINE AND DAILY ROUTINE.

263. The Jailer is responsible that every prisoner in jail shall both by day and by night be in the charge of a jail officer. A record of the name of every prisoner shall be kept in a gang book during the day and in a barrack list during the night. Each barrack, ward and cell should be assigned a district number which should be painted clearly on the wall or other conspicuous position. The gang book and the barracks lists shall be so maintained and the relief of jail officers so carried out and recorded that the responsibility for an escape resulting from negligence can be fixed definitely and beyond all doubt.

The officers under whose immediate charge the prisoners are placed shall carefully watch them in their various movements and employments and use the utmost alacrity and vigilance to prevent escapes.

264. The barracks and cells shall be unlocked at daybreak throughout the year. Previous to the opening of the wards the convict night watchman on duty shall awake all the prisoners and keep them in readiness to march out in files with their bedding as provided in Rule 266.

265. The Jailer shall be present at the opening of the wards and cells every morning, and shall personally superintend the unlocking of a portion of them, that of the remainder being carried out by his subordinates.

266. As soon as the wards and cells are unlocked, each prisoner shall take his bedding outside, and shake it well. He shall then fold it, and, except on rainy days, leave it outside to air for some hours, when it shall be taken in and placed on the proper berth. The Superintendent and medical subordinate shall occasionally examine the bedding to see if it is properly aired.

267. Directly the wards and cells are vacated, the night vessels shall be removed, and the sweeper shall then thoroughly sweep and clean every part, all cobwebs, dust and dirt of every description being carefully removed from the roofing, corners and elsewhere.

268. As the prisoners leave the wards or cells they shall, after depositing their bedding in the manner directed in Rule 266, form into double file, and shall thus be counted by the officer unlocking the ward, who shall satisfy himself that their number is correct and shall report the same to the Jailer.

269. After the enumeration of the prisoners is completed, they shall be marched to the latrine, and when they have been given an opportunity of resorting to it, they shall be marched to the bathing platform and shall be required to wash their hands and faces.

Toothsticks or charred paddy husk or other material in use in ordinary Indian households shall be provided for prisoners for the purpose of cleaning their teeth.

270. After the latrine and bathing parade is completed, the early morning meal shall be distributed, and on completion, the prisoners shall be arranged in their working gangs according to their gang rolls. Each gang shall be made over to its responsible officer and when two or more warder or convict overseers are put in charge of a gang, the

Definite responsibility to be fixed for the custody of each prisoner by day and by night.

Unlocking wards at daybreak.

Jailer to be present.

Treatment of bedding.

Cleansing of wards and cells.

Counting of prisoners.

Latrine and bathing parade.

Early meal and formation of gangs.

responsibility in the matter of its watch and ward shall always rest with the senior officer, the others acting under his orders. The rolls shall be called and the gangs shall be marched to the working places. Only such spare kit and utensils as are likely to be required while at work should be taken, bedding, blankets, etc., being left in the locked ward.

March to work, Jailer to distribute tasks.

271. The gangs shall then be marched to their work, the prisoners being ranked in fours or pairs and required to keep step. The distribution of labour will be made by the Jailer in accordance with any general or special rules laid down by the Superintendent, but the Jailer should see that no prisoner is put to, or kept on, work for which he is unfit or which is likely to be prejudicial to his health.

Procedure in case of illness.

272. If a prisoner in a gang working outside is injured or taken ill he shall be sent back to the jail in charge of a convict officer, or, if necessary, the whole gang may be marched back to the jail with the sick prisoner.

Precautions in workshed.

273. Where a workshed is enclosed and provided with a gate, the gate shall be kept locked after prisoners have entered and the key of the gate shall be kept by the officer in charge of the gang.

Midday meal and resumption of work.

274. (1) At 10.30 o'clock the bugle or gong shall be sounded and the gangs marched back to the yards when the prisoners shall be given an opportunity of visiting the latrine, and at 11 o'clock the midday meal shall be issued. A bell shall be rung as the signal for the distribution of this meal and of the evening meal.

Resumption of work in afternoon.

(2) After the meal the gangs shall be re-formed and marched back to their work, which shall continue till 4.30 p.m. or 5 p.m. in the cold weather, and 5 p.m. or 5.30 p.m. in the warmer weather, *vide* rule 417. In the height of the hot weather a suitable interval for rest should generally be allowed at some time after the midday meal, and at all seasons a similar rest should be allowed to weakly and infirm prisoners.

Procedure on cessation of work for the day.

275. Upon cessation of work, the convicts having been taken back to their yards, shall proceed first to the latrine, and then to the bathing places where they shall be required to bathe or wash their face and hands. In cases where prisoners have been engaged in specially dirty forms of labour, they shall be required to cleanse themselves thoroughly.

Evening meal and lock-up.

276. The evening meal shall be then distributed. They shall then be marched to their barrack gates and sit in file there until counted and locked-up under the personal supervision of the Jailer.

Men who work together to sleep together.

277. As a general rule, and subject to the rules as to classification in Chapter XV men who work together should, as far as possible, sleep together so as to facilitate the formation of gangs, prevent inter-communication among prisoners, etc.

Prisoners outside to be brought in for meals.

278. Prisoners working extramurally shall be brought in for feeding purposes. Every prisoner shall be searched each time that he leaves or enters the jail. All prisoners shall be counted and searched on return to the yards from labour.

Strict discipline to be enforced.

279. Every detail of the daily routine shall be carried out systematically, the prisoners being marched by word of command. Strict silence shall be maintained and prisoners shall on no account be allowed to wander about the yards unattended.

280. Gangs when halted shall ordinarily be required to sit down. Conduct of At the hour for turning out for work, when the gangs have been formed, gangs. the officer in charge shall see that they are properly arranged and (if necessary) equipped with tools, and shall then give the orders "rise" and "march". At the first order the gang shall rise, and at the second, move off at a steady pace to their work. The same procedure shall be followed when moving gangs at other times. Care shall be taken to instruct convicts to understand and obey the words of command and to march with regularity.

281. On the appearance of the Superintendent or of an official or non-official visitor or the senior warden in charge of a gang or, where the gang is subdivided, the senior convict officer, shall order the prisoners under him to stand to attention. On parades, the Head Warden will give the words of command. Conduct of gangs when officials or visitors appear.

282. Every convict shall be thoroughly searched before being locked up at night, and every cell and ward shall also be searched. The officer making the search shall be responsible that all bolts, bars and fastenings are in order, and that no contraband article, or article likely to facilitate escape, is left with any prisoner or in any ward or cell. Search before lock-up.

283. The time of the evening meal will be fixed so as to allow the prisoners half an hour for recreation between the termination of the meal and lock-up. Evening recreation.

284. Every prisoner, except an epileptic prisoner, shall, in upper as in lower-storeyed buildings, have a raised berth assigned to him in his proper ward or cell at least 18 inches in height, 6 feet long and 2 feet broad, to make certain that each prisoner sleeps in a separate bed, and does not touch any other prisoner; and the head of one berth shall be opposite the foot of that next to it. The number of berth in each ward shall be, in accordance with its capacity, calculated, on the scale prescribed in Chapter XXXVII. No explicit rule can be laid down as to the character of raised berths, as the character of the ward, the nature of the soil and atmosphere, etc., must be considered. Provision of sleeping berths.

In wards the berths shall be numbered and to each prisoner shall be allotted a particular berth which he shall not be allowed to change and which he shall not leave without the permission of the night watchman on duty, and then only to use the latrine.

285. Every ward and cell which has no latrine attached to it shall be provided with separate receptacles for night-soil and urine, placed on an impervious surface. The night-soil receptacle shall be partly filled with dry earth, and a further supply of dry earth shall be kept at hand and the convict night-watchman on duty shall be responsible that prisoners using the receptacle shall also use dry earth in the proper manner. The urine receptacle shall be partly filled with water. Latrine accommodation in wards and cells.

286. As prisoners are afforded sufficient opportunities of resorting to the day latrines, the use of the night latrine is to be discouraged, and the night-watchmen shall report any prisoner who makes a practice of using it. Use of night latrine to be discouraged.

Visits to latrine out of hours.

287. If during the day any prisoner wishes to visit the latrine out of the usual parade time, he shall be made over to a convict officer. If a prisoner unnecessarily visits the latrine, the convict officer shall report him to the warden in charge. If it appears that a prisoner is suffering from diarrhoea or dysentery, a report shall be made to the Jailer, who shall send him to hospital for observation.

Size - o f squads.

288. Prisoners should be formed into squads of eight or ten each, each squad to be composed of prisoners belonging to the same mess and occupation so far as practicable; to each squad will be attached a convict overseer, who will be responsible for keeping the prisoners of his squad together; the prisoners of the squad will march, sit, work and feed together, and should also visit the latrine and bathing place together. The convict overseer of a squad should be of the same class, religion, and employment as the rest of the squad.

Prisoners to wash their clothing weekly.

289. Every prisoner shall be required to wash his clothing at least once a week, usually on Sunday morning, and at such other times as the Superintendent may direct. If necessary, the Superintendent may detail prisoners for the purpose of washing all or any special portion of prison clothing.

For this purpose "*Saji Mati*" should be placed in the washing tubs.

Routine on holidays.

290. The daily routine prescribed in the foregoing rules shall be observed also on Sundays, Good Friday, the Birth Day of the Emperor, Christmas Day, Bijoya Dasami, Doljatra, and both the Id festivals, except that no prisoners shall be required to work on those days otherwise than in performing menial offices and other necessary work, including cleaning up and tidying the jail premises. The prisoner shall on Sundays be allowed to take exercise in the yards in gang till 10 A.M. and again for an hour before the evening parades. In the intermediate time they shall sit down in file either in their wards, or if the weather be cold enough, in the yards. Jews shall not be compelled to work on Saturdays.

Matters affecting caste or religion.

291. Interference with the religion or caste prejudices of prisoners is prohibited; and in case of complaints of interference, the Superintendent will take means to ascertain whether the complaints are well founded or not. The Superintendent shall grant facilities to prisoners of all religions for such daily devotions as are required by their religion and the prisoners themselves are desirous of performing. The supply of the sacred thread of Brahmin prisoners who require them may be left to the senior Hindu warden.

Muhammadan prisoners, other than those placed in hospital or in any convalescent or special gang, who may express a desire to be allowed to keep the fast of Ramzan, shall be permitted to do so; provided that the Medical Officer may, in the case of any prisoner, if he is of opinion that the continuance of the fast by such prisoner is likely to be injurious or dangerous to health, direct its discontinuance.

Prisoners shall, while keeping the fast, be given two rations at night and arrangements shall be made to keep a sufficient supply of water in the wards or cells in which Muhammadan prisoners are kept. They cannot be unlocked at night but they can say the Taravi prayer

in the wards. The hours of labour shall, as far as possible, in the case of prisoners who fast, be reduced by one hour in the afternoon and they shall be allowed to finish their evening bathing and latrine parades before sunset. If possible, arrangements should be made by which an extra hour's work can be put in earlier in the day in order to make up for the hour lost in the afternoon. Arrangements shall also be made to give such prisoners, in lieu of their early morning meal, for the purpose of breaking their fast just at sunset, a little *sharbat* made of sugar, water and fresh lime juice, and soaked gram with ginger and salt or a piece of bread. The ration for the meal between 2 and 3 A.M. should be lighter than the ordinary evening meal, but an attempt should be made to give some nourishing food. The 'A' Division prisoners may be given bread instead of rice for their second meal at night if they so desire. The total cost of dietary for Muhammadan prisoners who fast should not exceed that of the three meals given to the other prisoners.

292. (1) A religious instructor or minister of the Muhammadan and Hindu religions shall, if suitable persons can be obtained, be appointed to every jail.

In the case of a jail with a population of less than 75 prisoners a religious instructor, either Muhammadan or Hindu, can be appointed only when a suitable person is available and when he is prepared to render his services gratis, even without a conveyance allowance.

(2) Ordinarily no fees will be paid to the instructors or ministers. If an instructor or minister is put to any expense in journeys to and from the jails and the Deputy Commissioner considers that an honorarium should be given him, application should be made through the Inspector-General of Prisons for the sanction of Government.

(3) (a) Appointments of religious instructors or ministers will be made by the Inspector-General on the recommendation of the Deputy Commissioner. Before submitting his recommendations the Deputy Commissioner should consult the leading gentlemen of the religious community concerned. The Deputy Commissioner shall satisfy himself that the nominee is a man of thoroughly sound character and discretion.

(b) An appointment may be suspended at any time by the Deputy Commissioner and may be cancelled by the Inspector-General.

(4) No religious instructor or minister shall interfere in jail routine and management, or make any verbal or written comments upon it, but he may at any time bring to the notice of the Superintendent any suggestion, which in his opinion would help in the moral improvement of prisoners generally. Refractory prisoners may be brought before him during his visit for admonition. He will be expected to interest himself in the moral improvement of individual prisoners and should make a point of seeing prisoners who will be released before his next visit and giving them suitable guidance and advice. Except with the sanction of the Inspector-General, no religious instructor or minister shall be allowed to interview prisoners not of his own faith.

(5) A religious instructor or minister shall not convey communications between prisoners and persons outside the jail. He shall be bound to treat his jail visits as confidential proceedings and shall not comment on them either verbally or in writing outside the jail. He

Detailed
rules relat-
ing to the
religious and
normal in-s-
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servances.

shall not bring into the jail any articles of any description except religious books and such other articles as may be necessary for the carrying out of his ministrations.

(6) Religious instructors and ministers other than those appointed may, if they wish, visit prisoners of their own persuasion with the previous sanction of the Deputy Commissioner.

(7) Religious instructors and ministers shall give religious discourses only to prisoners of their own persuasion. They may, however, with the permission of the Superintendent, give purely moral or non-sectarian lectures to other prisoners in the jail but on no account shall thereby any proselytising. The introduction of polities shall be rigidly excluded.

(8) Attendance of prisoners at religious discourses or moral lectures shall be voluntary.

(9) A duly appointed religious instructor or minister shall be granted access at any time to any prisoner of his persuasion who is seriously ill or is condemned to death, or for any other reason of an urgent nature at the discretion of the Jail Superintendent.

(10) In large jails an Assistant Jailer and in smaller jails a senior paid warder, shall attend all lectures and religious discourses. These officials shall if possible, be of the same religious persuasion as the preacher or lecturer.

(11) The Superintendent shall prescribe such conditions as he thinks fit regarding the time, place and duration of religious services and lectures allowed under these rules and shall make suitable arrangements. Sunday is the most convenient day for the giving of religious and moral instruction, but in the case of Muliammadan prisoners religious instruction shall be given on Friday. Religious instruction may also be given on the following festivals, *viz.*, the Falgun Shivaratri, Holi, Chait Sankranti, Janmastami and Dassahara, the Shavi-barat, the Id-Ul-Fitr, the Id-Uz-Zoha, the Fateha Dawazdaham and the 10th day of the Muharam, but if these festivals fall on any days other than Sundays or recognised jail holidays, such religious instruction shall not detain prisoners for more than one hour from their work and the labour task shall be reduced to a corresponding extent.

(12) All prisoners shall be permitted to read the religious books of the persuasion to which they belong. Copies of the Ramayan and the Geeta, the Koran in Arabic and Urdu, the Grantha and the Bible shall be kept in the jail library and supplied to the prisoners requiring them. Reading will be allowed at any time, on Sundays or jail holidays and on other days from lock-up in the evening until 9 P.M. A special light may be left burning outside the barrack door or any of the gratings from the hour of lock up until 9 P.M. to enable prisoners to read. At 9 P.M. the light shall be extinguished by the patrolling warder. One prisoner may read aloud to others of his own persuasion who are unable to read.

(13) There shall be no undue interference with the genuine religious or caste prejudices of prisoners, but this principle must not be made the cloak for frivolous complaints or attempts to escape from jail labour or discipline.

(14) The following rules apply to Muhammadan prisoners :—

- (a) All Muhammadan prisoners shall be allowed to retain their hair and beards as laid down in rule 261 of the Jail Manual.
- (b) All Muhammadan prisoners shall be allowed to say their prayers five times a day and at special times on Fridays and on the festivals mentioned in sub-rule 11. They shall also be permitted to keep the fast of Ramjan in accordance with the instructions laid down in rule 291 of the Jail Manual. Muhammadans should ordinarily be allowed to say their Jumma prayers collectively, but the Superintendent has full discretion to decide how many prisoners should be allowed to congregate. The Superintendent will make the necessary arrangements regarding the place where prayer should be held. The " Azan " should be allowed at the time of every Muhammadan prayer. The " Khutba " and the " Qirat " may also be allowed. On days when a religious instructor is not present, a Muslim warden or convict official shall be deputed to perform the " Azan " for midday prayers.

(c) Every Muhammadan prisoner shall be provided with the special pattern of long pants sanctioned for such prisoners.

(15) The following rules apply to Hindu prisoners :—

- (a) The hair and moustache of all Hindu prisoners shall be dealt with as laid down in rule 261 of the Jail Manual with special reference to the retention of *chutias* or *sikhas*.
- (b) All Hindu prisoners, whose custom it is to wear thread or the *mala*, shall be allowed to retain it. In any case in which the thread has been removed before arrival in jail a new one shall be provided at Government expense, if the prisoner is unable to purchase one for himself.
- (c) All Hindu prisoners shall be permitted to say their prayers as often as is customary and may observe the Hindu festivals mentioned in sub-rule 11.

(16) The following rules apply to Sikh prisoners :—

- (a) The hair of Sikh prisoners shall not be cut; they shall be allowed to keep a comb (*kanga*) and shall be given facility for washing their hair.
- (b) They shall be permitted to wear a prison *gancha* as a head dress and to retain the iron bangle (*kara*).

(17) Jail Superintendents shall make the best arrangements they can to enable Christian prisoners to follow their religious observances.

(18) It must be thoroughly understood that the observance of religious customs is not to interfere in any way with the carrying on of jail work or the completion of the task allotted to prisoners except as allowed by sub-rule 11.

293. Every jail shall be provided, according to its size and importance, with a library of approved English and vernacular books and periodicals. Besides religious books, other suitable books may be

Use of books
by prisoners.

included which are educative in value or are of historical interest. Books of fiction are not debarred provided they are of good moral standard and do not deal with subjects of present day Indian politics. Books may also be provided by a friend, provided that they have been approved by the Superintendent and that the Superintendent sanctions the indulgence. All prisoners who can read shall be allowed the privilege of reading books on Sundays and jail holidays and, if permitted by the Superintendent, during their spare time on working days. Under-trial and civil prisoners have the same privilege. The privilege is, in all cases, liable to forfeiture for misconduct. Any book introduced otherwise than in accordance with this rule may be destroyed. Reading of newspapers shall not be permitted, except in special cases by order of the Governor-in-Council who, in such cases, will also approve of the newspaper to be allowed.

An Assistant Jailer shall have charge of the jail library and shall allow the use of the books and journals to literate prisoners subject to such rules as the Superintendent may prescribe.

NOTE.—For special rules as regards "A" and "B" division prisoners see Chapter XLIII.

294. Care shall be taken that the fortnightly weighments recorded under section 35(2) of the Prisons Act are made under the same conditions, as regards meal-time and the like, so as to obviate, as far as possible, the variations that naturally take place throughout the day.

NOTE.—Owing to the suspension of labour on Sundays, these days will be found most convenient for taking weighments and when the number of prisoners is large, half the jail can be weighed on alternate Sundays, and with the assistance, when required, of a member of the executive staff detailed by the Superintendent for the purpose.

295. (1) The initial weighment on admission to jail and the final weighment before release shall be recorded in the Convict Register, and these as well as all the intermediate fortnightly weighments shall be recorded on the prisoner's history-ticket.

(2) Before recording prisoner's weighments, it shall be ascertained that the scales or weighing machine is accurate.

296. (1) All prisoners who have lost more than 3 lb. since the last fortnightly weighment, or more than 7 lb. since admission to jail, shall be paraded with their history-tickets for the inspection of the Superintendent at the general parade next following the day on which the weighments were made.

(2) Special care shall be taken with regard to prisoners of poor physique on admission, and in whom a small loss of weight may be of serious import.

297. The Medical Officer shall, as soon after the fortnightly weighments as possible, check the weights of a dozen or more prisoners taken haphazard, with a view to satisfying himself that they have been correctly made, and shall record briefly in his minute book the circumstance that he has done so, with any remarks he may consider necessary.

NOTE.—The body weight varies to a certain extent from time to time, under normal conditions, so small differences of weight up to a couple of pounds would not necessarily indicate that the weighments were carelessly done.

CHAPTER--XVIII.

OFFENCES AND PUNISHMENTS.

Section 42 of the Prisons Act, 1894, deals with offences in relation to prisons i.e., by persons other than prisoners. The acts which constitute offences by prisoners are defined in section 45 of the above Act. Under clause (1) of that section, those acts include such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison offence. Rule 298 in this chapter comprises the rules made in this behalf by the Governor-General in Council. Sections 46 et seq. of the Act assign certain powers of punishment to the Superintendent. The combination of more than two punishments for any acts constituting an offence under the Prisons Act is not permissible under the terms of section 47 of the Act. Sub-section (4) of that section provides that whipping can be combined with cellular or separate confinement or with loss of privileges admissible under the remission system, but not with more than one of such punishments or with any other form of punishment. Further provisions regarding the maintenance of the punishment Book, the medical examination of prisoners prior to the infliction of certain punishments, the presence of the Medical Officer or Medical Subordinate during the infliction of whipping and other connected matters are included in sections 50-53.

Statutory provisions.

NOTE.—(1) Rule 300, 302-05, 312, 318-19, have been made by the Government of India in Home Department Resolution (Jails), No. 12-Jails-500-510, dated the 31st August 1898 and Nos. 1161-172(Jails), dated the 25th June 1908.

(2) It is of the greatest importance that the relevant sections of the Prisons Act should be thoroughly studied.

(3) The rules for the punishment of prison offences apply generally to all prisoners including under-trial and civil prisoners but there are certain exceptions e. g., in the case of females, civil and 'A' and 'B' division prisoners which will be found in the chapters dealing with such prisoners.

298. Section 42 of Act IX of 1894 provides for the punishment of any person who introduces into, or without authority removes from, any jail, or supplies to any prisoner any prohibited article, or who, contrary to rule, communicates with any prisoner, or who attempts to commit or abets the commission of, any of these offences. The following articles are prohibited within the meaning of this section :—

What are prohibited articles.

- (1) Alcohol or spirituous liquors of any kind.
- (2) Materials for smoking, chewing or snuffing, such as tobacco, pipes, chilums, etc.
- (3) Ganja, opium or any other drugs or poisonous article.
- (4) Poisonous materials, materials for making fire, or materials which would cause disfigurement.
- (5) Money, currency notes, valuable securities, jewellery or ornaments of any kind.
- (6) Books, printed matter, letters or writing materials of any kind not authorized by the Superintendent.

- (7) Knives, arms, ropes, string, bamboos, ladders, sticks, any articles likely to facilitate escape or implements of any kind, except those issued for use in the performance of work, and these excepted only during working hours and at such places as they are required for jail work.
- (8) Any article, which has not been issued for the use of prisoners from the jail stores and supplies.

The Superintendent shall affix outside the jail in a conspicuous place a notice setting forth the acts prohibited under section 42 of Act IX of 1894, and the penalties incurred by their commission.

NOTE.—With regard to the power of jail officers to arrest any person committing an offence under section 42 of Act IX of 1894, see Rule 93.

Prison
offences
Act, IX of 1894, to be prison offences when committed by a
under
prisoner :—
section 45
of the Act.

299. The following acts are declared by section 45 of the Prisons
Act, IX of 1894, to be prison offences when committed by a
under
prisoner :—

- (1) Such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59(1) of the Prisons Act to be a prison offence.
- (2) Any assault or use of criminal force.
- (3) The use of insulting or threatening language.
- (4) Immoral or indecent or disorderly behaviour.
- (5) Wilfully disabling himself from labour.
- (6) Contumaciously refusing to work.
- (7) Filing, cutting, altering or removing handcuffs, fetters or bars without due authority.
- (8) Wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment.
- (9) Wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment.
- (10) Wilful damage to prison property.
- (11) Tampering with or defacing history-tickets, records, or documents.
- (12) Receiving, possessing or transferring any prohibited article.
- (13) Feigning illness.
- (14) Wilfully bringing a false accusation against any officer or prisoner.
- (15) Omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack, upon any prisoner or prison official.
- (16) Conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

300. The following acts are forbidden, and every prisoner who wilfully commits any of the following acts shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence within the meaning of section 45 of the said Act:—

- (1) Talking when at file or at unlocking or at latrine, bathing or other parades or at any time when ordered by an officer of the prison to desist, and singing, loud laughing and loud talking at any time
- (2) Quarrelling with any other prisoner.
- (3) Secreting any article whatever.
- (4) Showing disrespect to any jail officer or visitor.
- (5) Making groundless complaints.
- (6) Answering untruthfully any question put by an officer of the prison or a visitor. Provided that in the case of (4), (5) and (6) no prisoner shall be punished for any complaint made, or answer given to a visitor unless with the concurrence of the visitor.
- (7) Holding any communication (in writing, by word of mouth or otherwise) with an outsider, with a prisoner of the opposite sex, civil or under-trial prisoner or a prisoner of a different class, in disobedience of the regulations of the prison.
- (8) Abetting the commission of any prison offence.
- (9) Omitting to assist in the maintenance of discipline by reporting any prison offence, or to give assistance to an officer of the prison when called on to do so.
- (10) Doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow prisoner.
- (11) Doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison.
- (12) Leaving without permission of an officer of the prison the gang to which he is attached, or the part of the prison in which he is confined.
- (13) Leaving without permission of an officer of the prison the ward, the yard, the place in file, the seat or berth assigned to him.
- (14) Loitering about the yard or lingering in the wards when these are open.
- (15) Omitting or refusing to march in file when moving about the prison.
- (16) Visiting the latrines or bathing platforms except at stated hours, or without permission of an officer of the prison, or resorting unnecessarily to the night latrine, or omitting or refusing to employ dry earth in the manner directed by the prison regulations.
- (17) Refusing to eat the food prescribed by the prison diet scale.
- (18) Eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners.

Rules made by Government of India defining the acts which constitutes wilful disobedience to any regulation of the prison.

- (19) Removing without permission of an officer of the prison food from the cook-room or godowns or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink.
- (20) Wilfully destroying food or throwing it away without orders.
- (21) Introducing into food or drink anything likely to render it unpalatable or unwholesome.
- (22) Omitting or refusing to wear the clothing given to him or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging, or altering any part of it.
- (23) Removing, defacing, or altering any distinctive number, mark or badge attached to or worn on, the clothing or, person.
- (24) Omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails.
- (25) Omitting or refusing to keep clean his clothing, blankets, bedding, fetters, iron cups or platters or ticket or other identification token, or disobeying any order as to the arrangement or disposition of such articles.
- (26) Tampering in any way with prison locks, lamps or lights or other property with which he has no concern.
- (27) Stealing the prison clothing or any part of the prison kit of any other prisoners.
- (28) Committing a nuisance in any part of the prison.
- (29) Spitting on or otherwise soiling any floor, door, wall, or other part of the prison building or any article in the prison.
- (30) Wilfully befouling the wells, latrines, washing or bathing places.
- (31) Damaging the trees and vegetables in the garden of the jail or maltreating the prison cattle.
- (32) Omitting or refusing to take due care of all prison property entrusted to him.
- (33) Omitting or refusing to take due care of, or injuring, destroying or misappropriating the materials and implements entrusted to him for work.
- (34) Omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison property or implements.
- (35) Manufacturing any article without the knowledge or permission of an officer of the prison.
- (36) Performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task.
- (37) Appropriating any portion of the task performed by another prisoner.

- (38) Mixing or adding any foreign substance to the materials issued for work.
- (39) Wilfully causing to himself any illness, injury or disability.
- (40) Causing or omitting to assist in suppressing violence or insubordination of any kind.
- (41) Taking part in any attack upon any prisoner or officer of the prison.
- (42) Omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner.
- (43) Disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed.

301. An offence shall be deemed a minor offence when it is dealt with by a minor punishment (see classification of punishments in rule 304), and a serious offence when dealt with by a major punishment ; and in the annual returns offences shall be classified as (1) offences dealt with by major punishments and (2) offences dealt with by minor punishments.

Definitions of minor and major offences for purpose of annual returns.

302. When in the opinion of the Superintendent any of the following offences are established against any prisoner, he shall refer the case to the Magistrate exercising jurisdiction for enquiry in accordance with the Code of Criminal Procedure :—

Reference to Magistrate in certain cases.

(1) Offences punishable under sections 147, 148 and 152 of the Indian Penal Code, namely :—

Rioting.

Rioting armed with a deadly weapon.

Assaulting or obstructing or using criminal force to a public servant when suppressing riot, or threatening or attempting to do so.

(2) Offences punishable under sections 222, 223 and 224 of the Indian Penal Code, namely :—

Intentional omission to apprehend on the part of a public servant or intentionally aiding or suffering to escape any person lawfully committed to custody ; escape negligently suffered by a public servant.

Resistance or obstruction to lawful apprehension, or escape or attempt to escape from lawful custody.

(3) Offences punishable under sections 304A, 309, 325 and 326 of the Indian Penal Code, namely :—

Causing death by a rash or negligent act.

Attempt to commit suicide.

Voluntarily causing grievous hurt by dangerous weapon or means.

(4) Any offence triable exclusively by the Court of Sessions.

Power of
Superintend-
ent in
other cases.

303. It shall be in the discretion of the Superintendent to determine, with respect to any other act which constitutes both a prison offence and offence under the Indian Penal Code, whether he will use his own powers of punishment or move the Magistrate exercising jurisdiction to enquire into it in accordance with the Code of Criminal Procedure, 1898.

NOTE.—(1) No prisoner can be punished twice for the same offence, (2) a prisoner of necessity removed from a prison office in consequence of judicial conviction for an offence shall not be deemed to have been punished twice.

Classification
of pun-
ishments.

(a) Minor.

304. The Superintendent may award the punishments enumerated in section 46 of Act IX of 1894, including those prescribed by the Governor-General in Council under section 46, clauses (4), (6) and (7). These are classified into minor and major punishments as follows—The following punishments shall be considered minor punishments :—

- (1) Formal warning ;
- (2) Change of labour for a stated period to some more irksome or severe form ;
- (3) Forfeiture of remission earned, not exceeding 4 days ;
- (4) Forfeiture of class, grade, or prison privileges for a period not exceeding three months ;
- (5) Temporary reduction from a higher to a lower class or grade ;
- (6) Penal diet, with or without cellular confinement not exceeding 48 hours ;
- (7) Cellular confinement for not more than 7 days ;
- (8) Separate confinement for not more than 14 days ;
- (9) Imposition of handcuffs otherwise than by handcuffing a prisoner behind or to a staple ;
- (10) Imposition of link fetters for not more than 30 days and
- (11) Substitution of gunny or other coarse clothing for the portion of the ordinary prison dress which is not woollen.

(b) rojaM.

305. The following punishments shall be considered major punishments :—

- (1) Hard labour in the case of prisoners not sentenced to rigorous imprisonment ;
- (2) (u) Forfeiture of remission earned, exceeding 4 but not exceeding 12 days ;
- (b) Forfeiture of remission earned, in excess of 12 days ;
- (c) Forfeiture of class, grade, or prison privileges for a period exceeding 3 months ;
- (d) Exclusion from the remission system for a period not exceeding 3 months ;
- (e) Exclusion from the remission system for a period exceeding 3 months ;

- (7) Permanent reduction from a higher to a lower class or grade;
- (8) Cellular confinement for a period exceeding 7 days;
- (4) Separate confinement for a period exceeding 14 days;
- (5) Link-fetters, if imposed for more than 30 days;
- (6) Bar-fetters;
- (7) Cross-bar fetters;
- (8) Handcuffing behind or to a staple;
- (9) Penal diet combined with cellular confinement for more than 48 hours;
- (10) Whipping; and
- (11) Any combination of minor punishments admissible under section 47 of the Act.

NOTE.—The major punishments 2(b) and 2(e), and any combination of the major punishment 2(b), 2(c) and 2(e) shall not be awarded by the Superintendent of a prison without the previous sanction of the Inspector-General of Prisons.

306. When a combination of two punishments is inflicted for one offence, each shall be shown in its appropriate column, with this exception that a combination of two minor punishments shall be shown as a major punishment. In no case shall more than two punishments be awarded in combination for the same offence.

307. Any two punishments may be awarded in combination for any offence subject to the following exceptions:—

- (1) Formal warnings shall [not] be combined with any other punishment.
- (2) Penal diet shall not be combined with change of labour, with whipping or with standing handcuffs, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with cellular confinement.
- (3) Cellular confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable.
- (4) Whipping shall not be combined with any other form of punishment except cellular or separate confinement or loss of privilege admissible under the remission system.
- (5) No punishment shall be awarded for any prison offence as defined in section 45 so as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination.
- (6) The following punishments shall not be carried out in combination even when awarded at different times for different offences:—
 - (a) standing handcuffs with cross-bar fetters; and (b) cross-bar fetters with bar fetters.

Every infringement of jail rules to be brought to the notice of the Superintendent.

308. Every infringement of jail rules shall be brought to the notice of the Superintendent, who shall decide whether the infringement reported was committed in such circumstances, *e.g.*, wilfully or without excuse, as to constitute an offence. If the Superintendent is of opinion that the infringement of rule was committed through ignorance or excusable carelessness, he shall admonish the prisoner and dismiss the charge without recording it in the punishment register. But if he finds it to be an offence, he shall award some punishment, and have it recorded in the punishment register, giving all details required by the rules.

Formal warning.

309. A "formal warning" is deemed to be a punishment and shall be personally addressed to the offender by the Superintendent. In all but very exceptional cases the punishment for a first offence should be a first "formal warning." A formal warning shall not be combined with any other punishment.

Change of labour.

310. "Change of labour" (minor punishment No. 2) can be awarded only to prisoners undergoing rigorous imprisonment and is a punishment suitable for persistent short work or idleness; but may be given also for other offences.

Petty offences suitably punished by loss of remission.

311. Petty offences such as short work, etc, are, unless frequently repeated, adequately punished, in the case of prisoners coming under the remission system, by loss of remission. The meaning of this punishment is better understood by prisoners if the number of days of imprisonment corresponding with the remission lost is stated at the time the punishment is awarded. The punishment should be used for minor offences in preference to all others as long as the prisoner has any remission to his credit.

Loss of privileges under remission system.

312. For a prison offence, any one of the following punishments, involving loss of privileges admissible under the remission system, may be awarded :—

- (a) Forfeiture of remission earned.
- (b) Temporary forfeiture of class, grade or prison privileges.
- (c) Temporary or permanent reduction from a higher to a lower class or grade.
- (d) Temporary or permanent exclusion from the remission system.

Provided that no order directing the forfeiture of remission in excess of twelve days, or the exclusion of a prisoner from the remission system for a period exceeding three months, shall take effect without the previous sanction of the Inspector-General.

Whenever application is made to the Inspector-General for sanction to the forfeiture of remission exceeding 12 days or for the exclusion of a prisoner from the remission system for a period exceeding 3 months, full particulars of the offences and of the remission the prisoner has earned, and a brief statement of his previous history, accompanied by his descriptive roll, shall be submitted.

Forfeiture of prison privileges under the remission system includes any of the special privileges allowed to convict warders, convict overseers and convict watchmen by the rules in Chapter XX of this Manual. One or more of these privileges may be suspended. When awarding this punishment or reduction of class or grade

[minor punishments Nos 4 and 5 and major punishment No. 2(f)] the Superintendent shall record whether it is to be permanent, or for what period.

313. Gunny clothing (minor punishment No. 11) is a suitable punishment for offences Nos. 20, 22, 24 and 25. This punishment shall not be awarded for more than three months at a time, and a period of 14 days shall elapse after the completion of any term for which this punishment is awarded before it is again inflicted for a new offence. The male prisoner's gunny clothing shall consist of a tunic and pair of *jungeahs*. All other clothing, except the blanket coat and a *gamcha* shall be taken from male prisoners undergoing this punishment, and the gunny clothings shall be worn next the skin. In cold weather the blanket coat shall be worn over the gunny tunic. In the case of females a gunny petticoat shall be worn next to the skin, and they shall retain the cotton *sari*, *kurti*, *gamcha* and blanket coat. Prisoners who have gunny clothing shall wash it weekly and keep it clean.

314. "Separate confinement" is confinement in a cell, with or without labour, so as to seclude the prisoner whilst in his cell from communication with, but not from sight of, other prisoners. The outer batten door of the cell yard in cells built on the standard plan shall be left open, and a prisoner undergoing this punishment shall have not less than one hour's exercise daily in the common passage in front of the cells or other sufficient space under the eyes of a paid warder, and shall have his meals in association with one or more other prisoners. Superintendents may award separate confinement up to 30 days. If any period in excess of this up to 3 months is deemed necessary, the order of the Inspector-General shall be obtained. When submitting an application for such order the Superintendent shall forward a certificate of the Medical Officer, of the fitness of the prisoner to undergo separate confinement for the period recommended. If the Medical Officer be the Superintendent he shall not be bound to make a separate entry under this rule; it will be assumed that in giving the sentence he has duly considered the prisoner's health.

Separate confinement.

315. "Cellular confinement" is confinement in cell, with or without labour, so as to entirely seclude the prisoner from communication with, but not from sight of, other prisoners. The convict cell attendants shall have access to his cell to give the prisoner his food and attend to conservancy, but the prisoner shall have his meals alone, and bathe in his cell yard. Cellular confinement may be awarded for not more than fourteen days, and after each period of cellular confinement an interval of not less duration than such period shall elapse before the prisoner is again sentenced to other cellular or separate confinement.

Cellular confinement.

316. "Penal diet" shall consist of one pound flour daily boiled as a porridge, seasoned with $\frac{1}{2}$ chitak of salt, and given in two meals. Prisoners on penal diet shall not receive the early morning meal. Penal diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week. This punishment should be sparingly resorted to, and not at all if the prisoners as a body are unhealthy or deteriorating in health, as shewn by fortnightly weighments. Penal diet may be combined with cellular confinement. Prisoners

Penal diet.

ordered penal diet when not combined with cellular confinement shall be fed quite apart from others. Sunday is a suitable day for awarding prisoners penal diet ; in serious cases punishment may be continued for four consecutive Sundays. A medical certificate that the prisoner is fit to undergo the punishment of penal diet must be recorded by the Medical Officer who shall visit daily all prisoners undergoing his punishment and who has authority to direct the discontinuance of the penal diet, whenever he may observe or have reason to apprehend any injurious effects. Light labour only shall be exacted from prisoners on penal diet.

Medical Officer to certify to fitness of prisoner for certain punishments (Section 50 of the Act.)

317. No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour (minor punishment No. 2), or of hard labour in the case of a prisoner sentenced to simple imprisonment (major punishment No. 1) or of standing handcuffs, shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, and has by him been certified to be fit to undergo such punishment. The Medical Officer shall record his certificate in the punishment register. If the Medical Officer considers the prisoner unfit to undergo the punishment, he shall record his opinion in writing and state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary. In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health. If the Medical Officer be the Superintendent, he shall not be bound to make a separate entry under this rule. It will be assumed that in giving the sentence he has duly considered the prisoner's health.

Description of, and imposition of handcuffs.

318. The following rules under section 46, clause (6), govern the imposition of handcuffs :—

(1) Handcuffs imposed by way of punishment for prison offences shall be iron bar handcuffs weighing, with lock, not more than 2 lbs. each, or swivel with spring catch handcuffs weighing not more than 1½ lb. each, or chain handcuffs weighing not more than 1 lb. each.

(2) Handcuffs may be imposed—

(a) on the wrists in front by day or night for a period of not more than twelve hours at a time, with intervals of no less than twelve hours between each period and for not more than four consecutive days or nights ;

(b) on the wrists behind by day only for a period of not more than six hours in any day of twenty-four hours, and for not more than four consecutive days ;

(c) by attaching the handcuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than four consecutive days and for not more than six hours on each day, with an interval of at least one hour after the handcuffs have been so attached for three hours ;

Provided that such staple shall not be higher than the prisoner's shoulder nor lower than his wrist and that no prisoner shall be attached by handcuffs to a staple except in the presence of other prisoners :

Provided further that the punishment referred to in clause (c) shall not be executed until the prisoner to whom the punishment has been awarded has been examined by the Medical Officer and pronounced to be fit to undergo the punishment :

Provided also that this punishment shall be restricted to cases where the prisoner has been guilty of repeated and wilful violations of any prison rule, and where, in fact, his conduct is evidently due to contumacy.

(3) A prisoner while undergoing punishment in handcuffs shall be under complete shelter from the sun.

319. The following rules under section 46, clause (7), govern the imposition of fetters :—

Description
of, and period
of imposition
of fetters.

(1) The following classes of fetters may be used in prisons—

- (a) Link-fetters composed of a chain and ankle rings. The total weight of such fetters, including the ankle-rings, shall not exceed 3 lbs. and each chain shall be not less than two feet in length.
- (b) Bar-fetters composed of two bars joined together by a link and attached to ankle-rings, the total weight of such fetters, including the ankle-rings, shall not exceed 5 lbs. and each bar shall be not less than twenty inches in length.
- (c) Cross-bar fetters composed of a single bar for the purpose of keeping the legs apart and of ankle-rings. The total weight of such fetters, including ankle-rings, shall not exceed $2\frac{1}{2}$ lbs. The length of the bar shall not exceed sixteen inches in the case of men who are not less than five feet six inches in height, or fourteen inches in the case of men below this height.

The use of cross-bar fetters should be restricted to extreme cases of violence, and be resorted to as much as a prevention against assault or for punishment.

The full period allowed for the imposition of this punishment should be awarded only in exceptional cases.

(2) The maximum period for which fetters may be continuously imposed shall be—

- (a) in the case of link-fetters, three months;
- (b) in the case of bar-fetters, three months;
- (c) in the case of cross-bar fetters, two hundred and forty hours.

A period of at least ten days must elapse after fetters of any kind have been imposed as a punishment for a prison offence before they can again be imposed as a punishment for another prison offence, whether of the same kind or not.

Care to be taken of fetters. 320. Fetters of every description shall always be kept bright and polished. and soft leather, blanket or canvas gaiters shall be allowed to prevent abrasion of the skin. Link and bar fetters may be suspended to the waist by a strip of stout cotton tape of the prescribed pattern made in the Sylhet Jail, no string or rope being allowed for the purpose. When fetters become worn or thin in any part, they shall at once be changed. Prisoners shall not be put to work the native oil-mill whilst in fetters ; this does not apply to an oil-mill worked by a crank by hand.

Whipping. 321. The following rules regulate the punishment of whipping for a prison offence :—

(1) The punishment of whipping shall be inflicted only for mutiny or for conduct seriously affecting the discipline of the prison or for incitement thereto, for serious assaults on any public servant or visitor or after other punishments have failed for other offences of a specially grave nature.

(2) A special report, based on the record required by section 51 of the Prisons Act, 1894, to be made in the Punishment Book, on every case in which whipping has been inflicted, shall be promptly submitted to the Inspector-General of Prisons by the Superintendent of the Jail.

(3) The punishment of whipping shall not be inflicted on 'A' and 'B' Division prisoners except with the permission of the Local Government.

(4) As whipping is only to be awarded for very serious offences the number of stripes shall never be less than fifteen and must never exceed thirty. For cases in which the Medical Officer certifies that a prisoner is unable to bear fifteen stripes some other form of punishment should be adopted.

NOTE.—In the case of juvenile offenders the number of stripes inflicted shall never exceed fifteen.

(5) No punishment of whipping shall be inflicted in instalments. Whipping shall be inflicted in the presence of the Superintendent and of the Medical Officer or Medical Subordinate, with a light rattan not exceeding the legal minimum of half an inch in diameter, upon the buttocks over which shall previously be spread a thin cloth soaked in some antiseptic—a solution of carbolic acid in water (of the strength of carbolic acid in forty parts of solution). All such cloths should be thoroughly washed and afterwards soaked in an antiseptic solution before being again brought into use so as to obviate the possibility of disease being conveyed from one prisoner to another. The drawing stroke which is calculated to lacerate the flesh is prohibited. In the case of prisoners under the age of 16 years, the whipping shall be inflicted likewise on the buttocks with a lighter rattan in the way of school discipline.

(6) The whipping shall be inflicted by a member of the warder establishment or convict officer.

(7) If during the execution of a sentence of whipping a Medical Officer advises or it appears to the Magistrate or officer present that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

(8) No prisoner shall be punished with whipping within a week after any previous infliction of whipping, or until any sores caused by a previous whipping are entirely healed.

322. No female or civil prisoners shall be liable to any form of handcuffs or fetters or to whipping as a punishment for a prison offence. Handcuffs shall only be imposed on females as a measure of restraint when there is a likelihood of a woman seriously injuring herself or others, and then for not more than 72 hours at a time.

323. Except by order of a court of justice, no punishment other than the punishments specified in the foregoing rules shall be inflicted upon any prisoner, and no punishment shall be inflicted upon any prisoner otherwise than in accordance with the provisions of these rules.

No officer subordinate to the Superintendent shall have power to award any punishment whatsoever.

324. Under the provisions of section 52 of Act IX of 1894 if any prisoner is guilty of an offence against jail discipline, which by reason of his having frequently committed such offence, or otherwise, in the opinion of the Superintendent is not adequately punishable by the infliction of any punishment which he has power to award, the Superintendent may forward such prisoner to the court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances and such Magistrate, or any Magistrate of the first class to whom the District Magistrate may transfer the case, shall thereupon enquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in the foregoing rules: provided that no prisoner shall be punished twice for the same offence.

Female and
civil prison-
ers exempt
from certain
punishments.

Punishments
must be
strictly in
accordance
with the
rules.

Reference to
District
Magistrate
by the Su-
perintendent
of cases
where he
cannot in-
flict adequate
punish-
ment.

CHAPTER XIX.

THE REMISSION SYSTEM.

Rules made by the Governor-General in Council under section 59(5) of the Prisons Act, 1894, to regulate the shortening of sentences by the grant of remission.

[Home Department Resolution No. 161-172(Jails), dated the 25th June 1908 and No. 234-245(Jails), dated 12th July 1910].

Local extent. 325. These rules apply to the whole of British India, inclusive of British Baluchistan, and the Santhal Parganas.

Definition. 326. In these rules—

(a) "Prisoner" includes a person committed to prison in default of furnishing security to give the peace or be of good behaviour.

(b) "Class I prisoner" means a thug, a robber by administration of poisonous drugs or a professional, hereditary or specially dangerous criminal convicted of heinous organised crime, such as dacoity,

(c) "Class II prisoner" means a dacoit or other person convicted of heinous organised crime, not being a professional, hereditary or specially dangerous criminal.

(d) "Class III prisoner" means a prisoner other than a class I or class II prisoner.

(e) "Sentence" means a sentence as finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security to keep the peace or be of good behaviour.

(f) "Life-convict" means—

(1) a class I or class II prisoner whose sentence amounts to twenty-five years' imprisonment.

(2) a class III prisoner whose sentence amounts to twenty years' imprisonment.

NOTE 1.—The case of all life-convicts except life-convicts repatriated from the Andamans and the case of all prisoners sentenced to more than fourteen years' imprisonment or transportation or to transportation and imprisonment for terms exceeding in the aggregate fourteen years shall, when the term of imprisonment undergone together with any remission earned under the rules amount to fourteen years, be submitted for the orders of the Local Government in accordance with the instructions contained in the Home Department Resolution No. 159-67(Jails), dated the 6th September 1905.

2.—The term "any remission earned under the rules" in the above note means not only remission which is due to prisoners under the rules normally in force but all remissions, granted under special rules made for special occasions, such as special crown remissions e.g., on occasions of public rejoicings. It is not the intention that prisoners released under the 14 years' rule should be debarred from the benefit of such special remissions in calculating the date of their release.

327. No remission shall be earned in respect of any sentence of transportation or imprisonment under section 2 of the Frontier Murdrous Outrages Regulation, 1901 (IV of 1901) passed on a person above the age of fifteen years.

328. No ordinary remission shall be earned in the following cases, namely :—

(1) in respect of any sentence of imprisonment amounting, exclusive of any sentence passed in default of payment of fine, to less than six months.

NOTE.—The intention of this rule is that, if a prisoner's sentence or total of sentences is reduced on appeal to less than six months he shall cease to be eligible for ordinary remission under these rules and any remission that he may have earned prior to the reduction of his sentence or sentences shall be forfeited. See in this connection the definition of "sentence" in rule 326(e).

(2) in respect of any sentence of simple imprisonment except for any continuous period not being less than one month during which the prisoner labours voluntarily.

329. If a prisoner is convicted of an offence committed after admission to jail, under sections 147, 148, 152, 224, 302, 304, 304A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352, 353 or 377 of the Indian Penal Code, or of an assault committed after admission to jail on a warden or other officer, the remission of whatever kind earned by him under these rules up to the date of the said conviction may, with the sanction of the Inspector-General of Prisons, be cancelled.

Forfeiture of remission.

330. The Superintendent may, with the previous sanction of the Inspector-General, re-admit to the remission system any prisoner who has been removed therefrom under rules framed under section 59, clause (3), of the Act. Such a prisoner shall earn remission under these rules from the commencement of the month following such re-admission.

Re-admission of excluded prisoner.

331. Ordinary remission shall be awarded on the following scale :—

Scale of ordinary remission.

- (a) two days per month for thoroughly good conduct and scrupulous attention to all prison regulations;
- (b) two days per month for industry and the due performance of the daily task imposed.

332. A prisoner who is unable to labour through causes beyond his control by reason of being at court, in transit from one jail to another, in hospital or on an invalid gang, shall be granted remission under clause (a) of rule 331 on the scale earned by him during the previous month if his conduct prior to and during the period in question has been such as to deserve such grant. He shall also be entitled to the grant of remission under clause (b) on the scale earned by him during the previous month he has been in prison during that term ; if not, at the rate of two days per month.

When convict is absent from work.

Provided that if his absence from work is due to his own misconduct in jail no remission under clause (b) shall be awarded for the period of absence ;

Provided also that if he is in hospital or on an invalid gang, no remission under clause (b) of rule 331 shall be granted unless the Medical Officer certifies that the prisoner's absence from labour is due to causes beyond his control and is in no way caused by any action of the prisoner himself taken with a view to escape work or to get into or to remain in hospital.

Scale applicable to convict officers.

333. In lieu of the remission allowed under Rule 331 convict warders shall receive eight days' ordinary remission per month, convict overseers six days per month and convict night-watchmen five days per month.

Date from which remission calculated.

334. Subject to the provisions of Rule 330, remission under Rule 331 shall be calculated from the first day of the calendar month next following the date of the prisoner's sentence; any prisoner who after having been released on bail or because his sentence has been temporarily suspended is afterwards re-admitted to jail shall be brought under the remission system on the first day of the calendar month next following his re-admission, but shall be credited on his return to jail with any remission which he may have earned previous to his release on bail or the suspension of his sentence. Remission under rule 333 shall be calculated from the first day of the next calendar month following the appointment of the prisoner as convict warder, convict overseer or convict night-watchman.

Additional remission to prison servants.

335. Prisoners employed on prison services such as cooks and sweepers, who work on Sundays and holidays, may be awarded three days' ordinary remission per quarter in addition to any other remission earned under these rules.

Explanation.—One day's remission may be credited to the prisoner at the end of every month during which he has been employed on any prison service.

Award of remission for good conduct.

336. Any prisoner eligible for remission under these rules who, for a period of one year reckoned from the first day of the month following the date of his sentence or the date on which he was last punished for a prison offence, has committed no prison offence whatever shall be awarded 15 days' ordinary remission in addition to any other remission earned under these rules.

Explanation.—For purposes of this rule prison offences punished only with a warning shall not be taken into account.

Who may award ordinary remission.

337. Ordinary remission shall be awarded by the Superintendent, or, subject to his control and supervision and to the provisions of Rule 338, by the Jailer, Assistant Jailer, or any other officer specially empowered in that behalf by him.

Procedure on award.

338. An officer awarding ordinary remission shall, before making the award, consult the prisoner's history-ticket in which every offence proved against the prisoner must be carefully recorded.

If a prisoner has not been punished during the month otherwise than by a formal warning, he shall be awarded the full ordinary remission for that month under Rule 331 or, if he is a convict officer, under Rule 333.

If a prisoner has been punished during the month otherwise than by a formal warning, the case shall be placed before the Superintendent, who after considering the punishment or punishments awarded, shall decide what amount of remission shall be granted under Rule 331, or, if the convict is a convict officer, under Rule 333. All remissions recorded on the prisoner's history-ticket shall be entered monthly on the remission card, or if remission cards are not maintained, in a general remission register.

339. The award of ordinary remission shall be made, as nearly as possible, on the first of the month following, and the amount shall be intimated to the prisoner and recorded on his history-ticket. Remission granted to a prisoner under Rule 336 shall be recorded on his history-ticket as soon as possible after it is awarded.

340. No prisoner shall receive ordinary remission for the calendar month in which he is released.

Exclusion of last calendar month.

341. Special remission may be given to any prisoner whether entitled to ordinary remission or not, other than a prisoner undergoing a sentence referred to in Rule 327, for special services, as for example :—

Qualification for special remission.

- (1) assisting in detecting or preventing breaches of prison discipline or regulations ;
- (2) success in teaching handicrafts ;
- (3) special excellence in, or greatly increased outturn of, work of good quality ;
- (4) protecting an officer of the prison from attack ;
- (5) assisting an officer of the prison in the case of outbreak, fire or similar emergency ;
- (6) economy in wearing clothes.

342. Special remission may be awarded —

- (a) by the Superintendent to an amount not exceeding thirty days in one year ;
- (b) by the Inspector-General or the Local Government to an amount not exceeding sixty days in one year.

Who may award special remission.

Explanation.—For the purpose of this rule years shall be reckoned from the date of sentence, and any fraction of a year shall be reckoned as a complete year.

343. An award of special remission shall be entered on the history-ticket of the prisoner as soon as possible after it is made, and the reasons for every award of special remission by a Superintendent shall be briefly recorded.

Record of special remission.

344. The total remission awarded to a prisoner under all these rules shall not, without the special sanction of the Local Government, exceed one-fourth part of his sentence.

Maximum remission awardable.

Method of calculating days of remission earned shall be converted into months and days, date of release at the rate of thirty days to each month.

Report to Local Government in certain cases.

345. In calculating date of release of a prisoner the number of

346. When a life-convict who is either :—

- a class I prisoner, or
- a class II or class III prisoner, with more than one sentence, or
- a prisoner in whose case the Local Government have passed an order forbidding his release without reference to them, has earned such remission as would entitle him to release but for the provisions of this rule, the Superintendent shall report accordingly to the Local Government in order that his case may be considered with reference to section 401 of the Code of Criminal Procedure, 1898.

Release in other cases.

347. Save as provided by Rule 346 when a prisoner has earned such remission as entitles him to release, the Superintendent shall release him.

NOTE TO RULES 346 AND 347.—The intention of these rules is (a) that the cases of class I life-convicts, or of class II or class III life-convicts who have more than one sentence for offences committed either before their admission to jail or while in jail, and of any other life-convicts in whose cases the Local Government may have deemed it desirable, should be submitted for the special orders of the Local Government as to whether release should be granted, and if so, on what conditions (such conditions must, it should be noted, be prescribed by order under section 401, Code of Criminal Procedure); and (b) that all other convicts should, on the expiry of their sentences, less the periods of remission earned, be released unconditionally without any special orders from the Local Government.

Endorsement of remission on warrant.

348. When a prisoner is released under Rule 347, the total amount of remission earned by him shall be endorsed on his warrant and the endorsement shall be signed by the Superintendent.

Procedure on transfer.

349. When a prisoner is transferred to another jail, the total amount of remission earned by him up to the end of the preceding month shall be endorsed on his warrant and entered in history-ticket, these entries being signed by the Superintendent. The remission card should accompany the prisoner on transfer and the receiving jail shall be responsible for notifying to the transferring jail non-receipt of the card.

Each jail at which a prisoner serves a portion of his sentence shall be held responsible for the correct calculation of the remission earned in that jail.

Preservation of remission cards.

350. Remission cards shall be retained in the office of a jail for a period of one year after the release of the prisoner when a prisoner is transferred to another jail his remission card, or if this is not maintained, a statement certified by the Superintendent, of the total remission earned up to the date of transfer, shall be sent with the prisoner.

Remission

351. An abstract of the above remission rules translated into

352. When recording the award of ordinary remission as prescribed in Rule 339 the entering officer shall at the same time bring forward in the prisoner's history-ticket the total of all remissions previously earned in the following manner :—

Mode of entry of remission in history-ticket.

Remission in days to end of (month)

19

Brought forward.	Ordinary.	Special.	Forfeited.	Total.

353. In the first week of each month the officer in charge of the remission cards shall prepare the remission roll showing the names of all those prisoners who will, on the supposition that they will earn their full ordinary remission during the current month, be entitled to release in the course of the month next ensuing. He shall, at the same time, compare the remission cards and history-tickets of such prisoners and, after verifying the accuracy of the entries, shall enter the "probable date of release" of such prisoners in the remission rolls and history-tickets.

Preparation of the remission roll.

The remission roll shall be submitted to the Superintendent signed by him, and filed in the office.

CHAPTER XX.

CONVICT OFFICERS.

Statutory
provisions.

Under section 60, clause (m), of the Prisons Act, 1894, the Local Government is empowered to make rules for the selection and appointment of prisoners as officers of prisons. Under section 23 convict officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

General
principles.

354. The following rules relating to the employment of convicts as convict officers of jails are laid down for the encouragement of good conduct and industry in jails. They apply to all male and female convicts coming under the remission system, provided that female convicts shall not be eligible for promotion beyond the grade of convict overseer. As convict officers are employed for the convenience of jail administration, such employment can never be claimed as a right and is always conditional on the prisoner being physically fit to perform the duties required of him. If any convict officer becomes permanently incapable of performing those duties he shall be reverted.

In the appointment of convict officers preference should be given to casual convicts sentenced to rigorous imprisonment and to casual convicts sentenced to simple imprisonment who elect to labour throughout the term of their imprisonment.

Convict
officers not to
use violence
to prisoners
unless abso-
lutely neces-
sary.

355. No convict officer shall on any pretext strike a prisoner except in self-defence or in defence of a jail officer, or in the repression of a disturbance (in which case no more force than necessary shall be used), or use any violence except when absolutely necessary. Any convict officer proved to have infringed this rule shall be permanently degraded to the position of an ordinary convict.

In what
cases, prose-
cution of
convict offi-
cers is obli-
gatory.

356. Any convict officer detected in introducing or conniving at the introduction of forbidden articles shall be prosecuted before a Magistrate under section 42 of Act IX of 1894; and whenever guilty of wilfully or negligently permitting a prisoner to escape he shall invariably be prosecuted under sections 222 and 223 of the Indian Penal Code. Convict officers are bound to do all in their power to prevent escapes.

Employment
of convict
officers.

357. (1) The maximum number of convict officers in a jail shall in no case exceed 10 per cent. of the daily average population thereof.

For the purpose of this rule, convict night-watchmen employed during the day on ordinary jail labour are not to be classed as convict officers.

(2) No convict officer shall have independent charge of any file gang or other body of prisoners, nor shall he have independent power to issue orders to prisoners, but there shall always be a paid officer in superior charge under whose control and orders the convict officer shall work:

Provided that within the main walls of the jail a reliable convict officer may temporarily be entrusted with charge of a gang employed on fatigue duty, or of a convalescent gang or a small gang of scavengers or water carriers or compound sweepers.

(3) Convict officers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from the ranks of simple imprisonment prisoners.

(4) Habitual prisoners may be employed as convict night-watchmen in barracks reserved for habitual prisoners, but shall not be promoted to any higher grade without the sanction of the Inspector-General of Prisons.

Provided that no really incorrigible prisoner unfit for responsibility shall be appointed as night-watchman.

(5) Paid warders only shall be in charge of habitual prisoner gangs and workshops.

(6) Convict officers of all grades shall be exempted from having their heads shaved and beards clipped, and from wearing fetters, anklet-rings and identification tickets.

358. (a) Convict night watchmen shall be appointed by the Superintendent. No convict shall ordinarily be appointed to the post of convict night-watchman unless—

- (1) he has completed one quarter of his sentence ;
- (2) he has given proof of his good behaviour and industry ; and
- (3) he is physically fit to undertake two hours' night duty in addition to his ordinary day labour.

Appoint-
ment, privi-
leges and
duties of con-
vict night-
watchmen.

Preference should be given to prisoners who come under the remission rules, and who have earned a reasonable proportion of the remission possible. If a sufficient number of these are not available short-term casual class prisoners may be selected.

(b) A convict night-watchman shall have a band of blue cloth sewn on the right sleeve. If he has carried out his duties thoroughly he shall be granted five days' remission per month under Rule 333 and a gratuity payable on release at the rate of two annas monthly. A short-term prisoner not entitled to ordinary remission can be given one day's special remission and a gratuity of annas two per month.

(c) The duty of convict night-watchmen is to take a watch nightly inside a sleeping ward, maintain order during their watch, prevent all irregularities, attempts to escape, etc., and bring to the notice of the sentry or other jail officer any matter requiring attention, e.g., that the light in the ward has gone out, that any prisoner is ill or has left his bed or is misbehaving in any way. They shall be on duty two hours only each night. The first watch shall be from 9 P.M. to 11 P.M. the second from 11 P.M. to 1 A.M. the third from 1 A.M. to 3 A.M. and the last from 3 A.M. to unlocking. The convict overseer in the ward shall be on duty from lock-up to 9 P.M.

359. (a) Convict overseers shall be appointed by the Superintendent from the grade of convict night-watchmen subject to the following conditions :—

- (1) that they shall have served for three months in the grade of convict night-watchman ;
- (2) that they shall have served half their sentence ; and
- (3) that they are of good conduct and health.

Appoint-
ment and
privileges of
convict over-
seers.

The sanction of the Inspector-General is required to the appointment of any prisoner as a convict overseer who does not satisfy the above conditions.

(b) A convict overseer may be exempted from tasked labour if the Superintendent so directs. He shall wear a brass badge with the description "Overseer". He shall be entitled to six days' ordinary remission per month in case of satisfactory work and a gratuity of four annas per month. He shall be allowed to write and to receive one letter and to have one interview every two months.

Duties of
convict over-
seers.

360. The duties of a convict overseer shall be :—

- (i) to take a watch nightly inside the ward in the manner prescribed for convict night-watchmen.
- (ii) to maintain order and discipline in his ward, squad and workshop;
- (iii) to supervise the labour of his squad, see that each prisoner does his allotted task, does not waste or steal materials, spoil his work, or injure his tools or machinery and to take care that all tools are properly used and carefully returned into store ;
- (iv) to pay attention to the cleanliness of the persons and clothes of the prisoners, and see that they bathe at such hours as may be ordered ;
- (v) to report any signs of sickness among prisoners ;
- (vi) to escort prisoners about the jail when required ;
- (vii) to report the possession of any forbidden article by any convict and to prevent all breaches of jail rules ;
- (viii) to maintain order and neatness in the workshops ; and
- (ix) to bring all breaches of discipline, short work and misconduct among the prisoners to the notice of the Jailer.

NOTE.—No convict overseer shall be employed on the duty of guarding prisoners in cells by day or night. Convict overseers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from that class.

Inspec to r-
General to
fix the num-
ber of con-
vict warders
in each jail.

361. The strength of convict warden guard for the whole province shall not exceed the proportion of one to eight paid Head Warders and Warders. The number to be attached to each jail shall be fixed by the Inspector-General. The Superintendent will after careful enquiries as to antecedents and place of abode submit a roll of selected candidates to the Inspector-General for sanction.

The Superintendent shall have powers subject to the confirmation of the Inspector-General to deprive convict warders of their office.

Qual if cations
for
convict war-
ders.

362. Convict warders shall be selected from the convict overseers subject to the following conditions :—

- (1) that they have served in the grade of convict overseer for at least one year ;
- (2) that they are men of proved merit and intelligence ;
- (3) that their residence is fixed and their antecedents are of good repute.

Duties of
convict war-
ders.

363. The duties of a convict warden shall be to assist the paid warders and to relieve them in exceptional circumstances within the main walls of the jail. He shall perform such duties in the matter of guarding and the like as may, at any time, be assigned to him. He shall report all infringements of the jail rules and take up lawful measures to prevent them.

364. Convict warders are permitted the following privileges:—

- (1) to live and sleep apart from ordinary prisoners;
- (2) to cook their own food;
- (3) to wear shoes;
- (4) to smoke tobacco provided at their own expense during fixed hours in such places as the Superintendent may appoint;
- (5) to write and receive a letter and to have an interview with friends once a month;
- (6) in case of satisfactory work, to receive 8 days' ordinary remission per month and a gratuity of eight annas monthly.

Privileges
of
convict
warders.

This gratuity shall not be liable to forfeiture as a punishment and may be utilised at the option of the convict as a family remittance, or may be allowed to accumulate till his release or may be expended on any articles which he may wish to purchase at the discretion of the Superintendent.

365. Every convict warder shall be provided with a brass badge marked "Convict Warder" with a brown leather belt, a whistle and chain and a baton.

Equipment
of
convict
warders.

366. If, in any jail, a sufficient number of convicts eligible for employment as convict officers is not available, convicts who are not fully eligible may be so employed, subject to the following conditions—

Appointment
of un-
qualified con-
victs as
convict offi-
cers.

- (1) Each such case shall be submitted for the sanction of the Inspector-General.
- (2) The convicts who most nearly comply with the conditions laid down in the foregoing rules shall be selected.
- (3) No convict who is not fully eligible shall receive the extra remission admissible to convict officers.
- (4) No convict not on the remission system shall be employed as a convict officer unless and until he has served one-half of his sentence and unless he is of thoroughly good conduct.

367. The rules for convict night-watchmen and convict overseers shall mutatis mutandis be applicable to female convicts.

Female con-
vict officers.

NOTE.— See Chapter XXII, for clothing of convict officers.

CHAPTER XXI.

DIETARY.

NOTE.—This chapter deals with the scales of the daily dietary of all criminal prisoners and under-trials. Certain rules concern the preparation and inspection of food. There are separate chapters for the 'Jail Garden' and the 'Method of procuring rations'. The diet of civil prisoners will be dealt with in the chapter on civil prisoners.

368. The following are the diet scales for 'C' Division convict and second-class under-trials.

Diet scales
for 'C' divi-
sion convicts
and second
class under-
trials.

Articles of diet.	Bengal diet.		Behar diet.	
	Labouring prisoners.	Non-labouring prisoners and under-trials.	Labouring prisoners.	Non-labouring prisoners and under-trials
1	2	3	4	5
For early morning meal :—	Ch.	Ch.	Ch.	Ch.
Rice ...	2 boiled ...	1½ boiled ...	2 ...	1½
or flour ...	1½ made into a chappati.	1 made into a chappati.	1½ ...	1
or suttoo ...	1½ boiled ...	1½ boiled ...	1½ ...	1½
With molasses ...	½ ...	½ ...	½ ...	½
or salt ...	½ ...	½ ...	½ ...	½
For midday and evening meals :—				
Rice ...	10 ...	9 ...	6 ...	6
*Atta (wheat) ...	...	...	5 ...	4
Dal ...	2½ ...	2 ...	2½ ...	2

* When maize or millet atta is issued, the quantity should be increased by one chittak.

Articles of diet.	Bengal diet.		Behar diet.	
	Labouring prisoners.	Non-labouring prisoners and under-trials.	Labouring prisoners.	Non-labouring prisoners and under-trials.
1	2	3	4	5
Vegetables from the jail garden.	Ch. 3	Ch. 3	Ch. 3	Ch. 3
Oil	½	½	½	½
Salt	5/6	5/6	5/6	5/6
Condiments from the jail garden.	½	½	½	½
Tamarind or other antiscorbutics according to the scale given in Rule 377.	...	...	...	...
For whole day :—				
Firewood.	8	8	8	8
Or coal	...	...	...	...
For 1st, 2nd and 3rd class jails.	5†	5†	5†	5†
For smaller jails ...	6†	6†	6†	6†
For hill jails ...	8†	8†	8†	8†

† Includes provision for early morning meal also.

“C” Division prisoners who are sentenced to simple imprisonment for offences involving no moral turpitude, and who are classed as misdemeanants of the first division shall receive diet in accordance with the scale prescribed in this rule but with the following modifications :—

Rice to be of finer quality, such as is issued to the sick in jail hospitals. Ghee may be substituted for oil when preferred. Such prisoners may have the choice of the Behar scale or the Bengal scale of diet, but change from one scale to another cannot be allowed, except on medical grounds, more frequently than once in a month.

Diet scales 369. The following are the diet scales for 'A' and 'B' Division con-
for 'A' and viets and first class under-trials :—
'B' Division (1) Western mode of living—for both 'A' and 'B' Divisions the
convicts and diet laid down below :—
first class under-trials.

Breakfast.		Dinner.			Supper.	
Throughout the week.	Sundays and Wednesdays.	Mondays and Fridays.	Tuesdays, Thursdays and Saturdays.	Throughout the week.		
1	2	3	4	5		
	Ch.	Ch.	Ch.	Ch.	Ch.	Ch.
Gruel 8	Mutton (un- cooked with bone).	Beef 8 (uncooked).	Soup 8 Beef 3 (cooked — without bone).	Gruel 8 Bread 4		
Bread 6						
Butter $\frac{2}{3}$	Vegetables 8	Vegetables 8	...	Sugar $\frac{4}{5}$		
Sugar $\frac{2}{5}$	Ghee or fat $\frac{1}{8}$	Salt $\frac{1}{2}$	Vegetables 8	...		
	Condiments—			Pepper $\frac{1}{10}$		
	Turmeric $\frac{1}{16}$			Pot-herbs $\frac{1}{20}$		
	Garlic $\frac{1}{16}$			Salt $\frac{1}{4}$		
	Coriander $\frac{1}{8}$					
	Chillies $\frac{1}{16}$					
	Tamarind $\frac{1}{16}$					
	Salt $\frac{1}{4}$					

NOTE.—Fowls and ducks should be substituted for mutton and beef when the latter are not available.

(2) Eastern mode of living—for both 'A' and 'B' Divisions the diet laid down for ordinary prisoners (labouring and non-labouring) in Rule 368 with the following additions and alterations :—

$\frac{1}{2}$	Chittak Ghee	} daily extras.
1	„ vegetables	...	...
2	„ potatoes	...	...
4	„ milk	...	...
$\frac{1}{2}$	„ sugar in lieu of molasses.			

NOTE.—For fish or meat eaters the above diet will be issued, except that on 5 days of the week 2 chittaks of fish or meat in lieu of milk will be given. On those days the 1 chittak of fish sanctioned in the ordinary diet, should not be given. (Rule 375.)

On days on which fish or meat is given, the quantity of dal will be reduced by 1 chittak.

When fish or meat is not available, milk will be given.

'A' Division prisoners will be permitted to supplement the prison diet at their own

370. The scales for hospital diet for sick prisoners are as follows:— Scale for hospital diet.

Articles of diet.	Full diet.	Half diet.	Rice diet.	Sago diet.
1	2	3	4	5
	Ch.	Ch.	Ch.	Ch.
Rice or <i>atta</i> ...	10	6	6	...
<i>Dal</i>	2	1	...	...
Vegetables	3	2	...	...
Salt	$\frac{5}{6}$	$\frac{1}{2}$	...	...
Mustard oil	$\frac{1}{4}$	$\frac{1}{8}$	...	...
Condiments	$\frac{1}{8}$	$\frac{1}{16}$	...	...
Milk ... ...	...	8	12	12
Sago, Barley or arrowroot ...	...	...	...	2
Sugar ... ...	...	...	1	1
Firewood	8	6	4	2
Or Coal	4	3	2	1

Extras as considered necessary by the Medical Officer.

NOTE.—The scales in this rule are only a guide. The Medical Officer can add any extras which he may consider necessary, especially in the case of 'A' or 'B' Division convicts and first class under-trials. For further instructions Chapter XXVI should be referred to.

371. Mothers, with children confined along with them, shall have Diet allowance as follows:—

(a) For nursing mothers—2 chittaks of rice or wheat *atta* and mothers and half a chittak of mustard oil in excess of the ordinary children labouring ration.

(b) For children under 12 months when the milk of the nursing mother is scanty, it may be supplemented with cow's milk mixed with one-third of water, at the discretion of the Medical Officer of the jail.

- (c) For children between 12 and 18 months—6 chittaks of milk, 2 chittaks of rice, and $\frac{1}{2}$ chittak of *dal*.
- (d) For children between 18 and 24 months—4 chittaks of milk, 4 chittaks of rice, and half a chittak of *dal*. The above may be supplied in two or three meals, as may seem necessary.

Diet of new admissions may be raised.

372. While these rules are intended as a general guide to the diets most suitable to healthy labouring and non-labouring prisoners and undertrials, yet it may be found these diets are not suitable to all new-comers, such as those suffering from malnutrition due to partial starvation before entry to jail and general loss of tone as a result of previous illness or other causes. Such cases must be dealt with individually by the Medical Officer who should use his discretion as to the quantity of diet each such case requires, and as to whether other forms of diet should be substituted during the first weeks of jail life. Many prisoners suffer from the effects of "unaccustomed plenty" during the first weeks of their imprisonment so that regulation of quantity and quality and the bringing of such prisoners gradually on to the ordinary scales becomes an urgent necessity. Prisoners for whom the Medical Officer has made variations from the ordinary diet scales should be made to eat their meals in a separate place.

Morning meal may be varied and supplemented.

373. For the morning meal (Rule 368) a little *dal*—to be deducted from the allowance for the midday and evening meals—may be added if the Medical Officer thinks necessary. When there is loss of weight among prisoners and a tendency to scurvy, molasses shall be given in preference to salt. When possible this meal may be supplemented by sweet potatoes or other vegetables grown in the jail garden.

Division of midday and evening meals.

374. The articles of diet provided for the midday and evening meals shall be equally divided between such meals, except in the case of Behar diet in which the whole of the *atta* shall be given at one meal, and the whole of the rice at the other.

Substitution of fish, meat or *dahi* for *dal*.

375. Fish should be issued to convicts and undertrials in two meals a week at the rate of one chittak per meal in lieu of an equivalent of *dal*; but when fish is not available at reasonable rates, meat or *dahi* (whichever is cheaper) should be substituted for it in the proportion of one chittak of meat or two chittaks of *dahi* to one chittak of fish.

Extra rice to hill tribe prisoners.

376. In the case of labouring convicts of the hill tribes, a daily extra chittak of rice may be issued if this is considered advisable on medical grounds.

Anti-scorbutics and condiments.

377. (a) One or other of the following anti-scorbutics shall be issued daily with the midday and evening meals to all native prisoners in the quantity per prisoner mentioned opposite each kind:—

	Per prisoner.
Lime Juice	... ... ... ... $\frac{1}{2}$ chittak.
Amchur	... ... ... $\frac{1}{2}$ "
Tamarind pulp (free of husk, fibre and $\frac{1}{8}$ seed).	... ... ... $\frac{1}{2}$ "
Putwa or roselle...	... ... $\frac{1}{2}$ "

This shall be in addition to the allowance of condiments, which shall consist of the following articles in the proportions stated :—

Per prisoner.			
Tamarind pulp (free of husk, fibre, and seed $\frac{1}{16}$ chittak.			
in addition to the amount to be given as			
an anti-scorbutic).			
Turmeric	...	...	... $\frac{1}{4}$ "
Chillies	...	...	... $\frac{1}{4}$ "
Onions or garlic, or both	...	...	... $\frac{3}{128}$ "
Coriander	...	...	... $\frac{1}{128}$ "
Total	...	...	... $\frac{1}{8}$

(b) In damp districts, where the consumption of chillies amongst the free population is large, a larger proportion of this item may be allowed and given with the early morning or other meals. The allowance of chillies and also of fresh vegetables may be increased on the order of the Medical Officer to any reasonable extent that can be supplied from the jail gardens. The allowance of salt may be temporarily increased by order of the Medical Officer, likewise the allowance of oil when there is unusual sickness and tendency to loss of weight amongst the prisoners, especially in the cold weather. The anti-scorbutics should be varied from day to day, but roselle should not be issued more than twice in any week. They should be mixed with the food, and not put separately on prisoners' plates, so as to ensure that they shall be consumed. During the rainy season, from June to October inclusive, the allowance of anti-scorbutics shall be increased by one-half of the quantities prescribed above. The use of *khesari dal* is prohibited and the use of *kalai dal* should be limited to the hotter months.

378. It is of the greatest importance that the dietary should be varied as much as possible by the issue of different kinds of pulses, vegetables and anti-scorbutics. As far as possible half the vegetable ration should consist of root vegetables.

379. The maximum allowance of wood fuel for prisoners falling under Rule 368 is 8 ch. per head per diem and for those falling under Rule 369 a maximum of 1 sr. per head may be allowed. The consumption of fuel should not ordinarily exceed these maxima but where the number of prisoners is very small, some increase will be necessary. In any case, the thorough cooking of the food should not be sacrificed in order to secure a small saving in fuel.

380. The Superintendent and the Medical Officer shall exercise the utmost vigilance in the supervision of the food supplies, and all articles issued for consumption shall be inspected daily by the Medical Officer, or, in his absence, by the Medical Subordinate. The inspecting officer shall especially see that the full ration of vegetables of good quality is issued and that any defect in quality is brought to the notice of the Superintendent.

381. It is of the highest importance that the food should be properly cooked, and that the full quantity should reach the prisoners. At least once a week the food, when cooked and ready for issue, shall

Daily inspection of food supplies.

Inspection of cooked food.

be inspected without previous notice and its weight checked by the Superintendent and Medical Officer to see that it is properly prepared and that the full quantity is received by the prisoners. They shall note the result of this inspection in their minute books.

Weightment
of articles of
food.

382. All articles of food issued for consumption shall be weighed daily by the Jailer in subdivisional jails and by the Assistant Jailer in jails at headquarters who shall be responsible that the proper quantity is issued for every prisoner. The Head Warder may assist. From time to time the Superintendent shall check the issues of rations thus made. In weighing or measuring rations and food, Indian weights and measures shall always be used, and a proper set of scales, weights and measures shall be maintained in every jail, and shall be frequently tested by the Superintendent.

Disposal of
complaint by
prisoner.

383. If any complaint is made by a prisoner regarding the quantity, quality, or cooking of the food, it shall be at once inquired into by the Jailer and the circumstances reported in his Report Book. If the complaint relates to the quantity of food received, the ration shall be at once weighed in the presence of the prisoner making the complaint.

Kitchens.

384. There shall be only one cook-shed in each jail for 'C' Division prisoners. The cook-shed may be divided into two compartments—one for Muhammadans and the other for Hindus—and Muhammadan as well as Hindu cooks shall be appointed. In the larger jails there should also be a separate cook-shed for hospital patients.

Appoint-
ment of
cooks.

385. All cooks for non-Muhammadans shall be Brahmins or sufficiently high-caste Hindus. Any prisoner in a jail who is of so high a caste that other prisoners can eat food cooked by him may be appointed a cook to the full complement of prisoners; and so long as any such convict is available in the jail, no cook shall be requisitioned by transfer from any other jail. Individual criminal prisoners shall under no circumstances be allowed to cook for themselves, except in the case of Brahmins and Manipuris. Where there is more than one Brahmin or Manipuri in jail, they will choose a cook from among themselves; where, however, an individual Brahmin or Manipuri is confined, they are permitted to cook for themselves. Civil prisoners shall be allowed the same concession if they so wish.

Need for
cleanliness.

386. The Jailer shall be responsible that all cooking pots are kept scrupulously bright and clean. Cook houses should at all times be clean and tidy. All food shall be carefully protected from flies.

Precautions
to be taken in
weighing the
materials for
food.

387. (a) No rice less than three months' old shall be issued. It should be thoroughly husked and cleaned before weighing. Cooked rice should weigh about three times the weight of uncooked rice after the *conj* or rice water has been strained off. The *conj* should be distributed among the prisoners at meal time.

(b) *Dal* must be thoroughly husked before it is weighed and cooked. For varieties which can only be thoroughly cleaned when in the hands of the cook, an excess of 10 per cent. beyond the scale allowance should be given.

(c) The allowance of vegetables shall be calculated after sticks, skins and refuse have been separated and only good succulent vegetables shall be used. Similarly the allowance of tamarind and other anti-scorbutics shall be issued free of husk and seeds. As fresh limes

and other anti-scorbutic fruits are only available at certain seasons the Jailer should preserve them by pickling. [For instructions for lime pickling see Appendix IV (3).]

(d) Fish when issued shall be weighed exclusive of fins, scales, heads and tails. When meat is issued under Rule 375 the weight shall be exclusive of bone.

388. Prisoners should be protected from rain and intense heat during meals by allowing them to have meals in verandahs or other sheltered places.

389. In some conspicuous place in the jail (the front of the cook-shed for preference), a copy, in vernacular, of the scale of diet in force in the jail should be affixed, so that each prisoner may be able to ascertain the quantity of food he is entitled to obtain. Superintendents should also, from time to time, verbally inform the prisoners what rations are receivable by them.

Protection
from sun and
rain at meal
time.

Diet scales
to be posted
up.

CHAPTER XXII.

CLOTHING AND BEDDING AND JAIL EQUIPMENT TO BE SUPPLIED TO PRISONERS FROM JAIL STORES.

NOTE.—All jail officers are liable to make good any loss to Government occasioned by failure to comply with these rules or neglect of duty in connection therewith. This direction applies to other stores also.

Convicts to wear prison clothing.

390. Every convict sentenced to rigorous imprisonment or transportation shall be supplied with and shall wear prison clothing in accordance with the scales laid down in Rule 393 and 395.

Issue of extra clothing and umbrella hats.

391. (a) The Medical Officer has authority at any time to direct on medical grounds the issue of extra clothing to any prisoners or class of prisoners for any specified period or during any season of the year.

(b) The Superintendent shall provide children permitted to reside in jail with their mothers with suitable clothing as approved by him.

(c) In wet weather prisoners who work in the open shall be supplied with an extra blanket coat (old) leaving their own blanket coats in the jail. If cotton clothing becomes wet, it shall be taken from them to be dried, extra clothing being given to them temporarily. All such extra clothing shall bear a distinctive mark and be kept entirely separate from the prisoner's ordinary clothing. In the hot weather and rainy season, such working prisoners shall be supplied with umbrella hats or *jhapis* which should be made in jail.

Clothing of undertrial s and convicts sentenced to simple imprisonment and civil prisoners.

392. (a) Convicts sentenced to simple imprisonment and undertrial prisoners shall be permitted to wear their own clothing. They shall, if necessary, be supplied with woollen clothing and bedding at the same scale as for convicts sentenced to rigorous imprisonment. If convicts sentenced to simple imprisonment elect to labour and are employed extramurally they shall be supplied with and shall wear the ordinary convict's clothing.—See Chapters XLII and XLIV.

(b) The Superintendent shall supply sufficient clothing from the jail store to every convict sentenced to simple imprisonment and to every undertrial who is unable to provide himself with necessary clothing.

(c) For civil prisoners —see Chapter XL.

Clothing and equipment of "C" Division convicts.

393. (a) All prisoners in "C" Division sentenced to rigorous imprisonment shall be furnished, on admission, with the following jail equipment :—

COTTON CLOTHING—

For male convicts,

- 1 Kurta.
- 2 *Jungiahs*.
- 1 *Gumcha*.
- 1 Cap.
- 1 Towel.

For female convicts,

- 1 Kurta.
- 2 *Saris* 5 yards \times 40".
- 1 *Gumcha*.
- 1 Towel.

WOOLLEN CLOTHING—

Summer—2 blankets.

Winter—(*i.e.*, from October to March) one additional blanket.

1 blanket coat.

Other equipment.

1 Tatputtee for bedding, or 1 iron cup and 1 iron plate.

All these articles shall be of standard patterns determined by the Inspector-General. The patterns now prescribed will be found in Appendix IV(10).

(b) Sikh prisoners shall be allowed to wear a *puggri* instead of the prescribed cotton cap. The *puggri* shall be made of the same cloth with the same markings (blue) as that from which prisoners' *ganchas* are made, and shall be 8 feet in length. Such *puggris* shall be taken from the prisoners at lock-up and returned the following morning when barracks are opened.

(c) Muhammadan convicts shall be supplied with *jungiahs* reaching to within four inches above the ankle, instead of short *jungiahs*.

(d) The clothing of Star class prisoners shall be distinguished by means of a red star knitted on the jacket and cap in the centre in front.

(e) Female "C" Division prisoners who are widows shall be provided with plain white *series* without a border.

(f) Female convicts shall also be supplied with 4 napkins each.

394. The clothing of convict officers shall be as follows:—

CONVICT NIGHT-WATCHMEN.—The clothing according to the scale for ordinary convicts with a blue chevron sewn on the right sleeve. They shall be provided with white cotton circular caps and a brass badge with the device "C. N. W." to be worn on the front of the cap.

Clothing of
convict
officers.

CONVICT OVERSEERS.—A cap, tunic and knickerbockers of white cloth with a belt three inches wide secured by a buckle, the belt to be made of two stripes of blue and yellow cloth, each $1\frac{1}{2}$ inches wide and sewn together, the blue being placed uppermost.

CONVICT WARDERS.—A uniform which shall consist of a white cotton coat in summer and a woollen coat in winter of a special pattern with a white cotton trousers, a blue *puggri* and a brown leather belt, and a pair of shoes. Two suits of new white uniform with one *pugri* shall be supplied annually to each convict warden. A great coat shall be supplied for each convict warden once in three years.

NOTE.—The other equipment for convict overseers and warders will be as provided for ordinary convicts.

Clothing
and equip-
ment of
"A" and
"B" Divi-
sions convict.

395. Convicted prisoners in "A" and "B" Divisions shall be supplied with clothing and necessaries as follows:—

(1) CLOTHING.

"A" Division prisoners will be permitted to wear their own clothing. If they desire to have clothing at Government expense, they will be provided with that prescribed for "B" Division prisoners—

"B" DIVISION PRISONERS.

Western mode of living—

(For the hot weather).

A working suit and ordinary suit.

Two coloured cotton shirts.

Two pairs of socks.

Two towels.

One pair shoes.

One helmet with cover.

One comb.

Two blankets.

One tat bed.

One tin pot.

One spoon.

One iron plate.

(For the cold weather and rains).

A working suit.

A woollen wearing suit.

Two flannel shirts and two pair of woollen socks.

The above will be given in place of the first three items of hot weather kit, and other items of equipment the same as in the hot weather.

(b) Eastern mode of living—

Two cotton shirts (full sleeves).

Two „ jungiahs or dhuties.

Two „ gamchhas or towels.

Two „ caps.

One pair country slippers.

One tat bed.

Two bed sheets (dosuti).

One pillow (filled with cotton cuttings or grass).

Two pillow cases (dosuti).

Two blankets.

Two woollen coats. (Stand up collar and full sleeves.)

Extra blanket (as necessary).

} During all seasons.

} Winter.

The cotton clothing will be of somewhat finer texture than that supplied to ordinary prisoners, and of special pattern, as laid down in Rule 397 for casual prisoners and as may otherwise be fixed by the Inspector-General of Prisons.

(2) *Utensils (Eastern mode of living) —*

- One brass *thali* 12" diameter.
- One " tumbler.
- One " cup.
- One enamelled iron mug—1 pint.

(3) *Furniture—*

“ A ” DIVISION.

- One bed (iron or wood) $6\frac{1}{2}' \times 3'$.
- One mattress (filled with cotton cuttings or straw).
- One table $2'-3'' \times 1\frac{1}{2}'$.
- One chair.
- One enamelled iron basin.
- One clothes rack, 3 wooden pegs.
- One small cupboard or box.
- One commode (sanitary pattern).
- One bath (galvanised) 34".
- One hurricane lantern (if no electric light).

“ B ” DIVISION.

- Pucca* cement berth or wooden bed.
- One table $1\frac{1}{2}' \times 1\frac{1}{2}'$.
- One wooden stool.
- One wooden shelf.
- One hurricane lantern (if no electric light).

396. Convicts employed on labour which soils the clothing should be supplied with an extra pair of old *jungiahs* or other necessary clothing for wear during working hours. Cooks shall be given an apron coat, tan kind of an extra *pyjama* and a white cap (chef's pattern) and shall not wear work. their ordinary prison clothing while at work.

397. The cloth for casual prisoners shall be striped with 5 dark blue vertical stripes $\frac{1}{2}$ " wide, *viz.*, one central stripe and two stripes between on each side 4" apart. The cloth for habitual prisoners shall be clothing of striped with 6 dark blue vertical stripes, *viz.*, 2 central stripes $\frac{1}{4}$ " wide habitual and $1\frac{1}{2}$ " apart and 2 stripes on each side $\frac{1}{2}$ " wide and 4" apart. *casual pri-
soners.*

Convict's
number to
be stamped
on clothing.

Duration of
clothing.

Issues of
clothing to
be noted in
history tic-
kets and
special re-
mission to
be given for
special care
of clothing.

Duties of
the jail
officer in
charge of
the clothing
store.

Writing off
unservice-
able
clothing.

Hospital
clothing.

398. The register number of every convict shall be stamped on his clothing, blankets and bedding.

399. The allowance of cotton clothing prescribed in Rule 393 supplemented during the year with an extra *jungiah*, cap, and *gamcha* should ordinarily last for twelve months, the blankets three years.

400. No general distribution of cotton clothing shall be permitted. Issues will be made as necessity for renewal arises.

All issues of clothing and other articles and subsequent renewals shall be recorded on the history-tickets under the initials of the issuing officer. Issues of new articles of clothing will be prefixed with the letter "N" and of serviceable clothing with the letter "S".

Convicts who take special care of the articles of their kit shall be eligible for special remission in accordance with the rules in Chapter XIX.

401. (a) The clothing store shall be in the charge of an Assistant Jailer, who will be responsible for seeing that all articles received back from the prisoners are thoroughly washed and then placed in stock properly arranged in bundles, that all articles in store have been thoroughly repaired and are kept regularly aired and fit for use, and that every precaution is taken *e.g.*, by the use of insecticides and frequent airing, to prevent damage by insects.

(b) Jailers shall be responsible for the efficient and timely repair of clothing and blankets in actual use by the prisoners, for which one or more light labour prisoners can be utilised.

402 (a) The store-keeper in charge of the clothing store shall produce before the Superintendent once a month all articles of clothing which have become unserviceable.

(b) The Superintendent shall enter in words in the clothing stock book the number declared unserviceable by him and initial the entry. Such clothing should be used for the cleaning of lamps, machinery, etc.

(c) A table showing the numbers of each article condemned month by month shall be maintained in this register.

(d) The Superintendent shall adopt suitable precautions to prevent articles once written off being taken into stock. No jail clothing shall be sold until it has been torn or cut into small pieces.

403. Special marked cotton clothing, blankets, dosuti bed sheets, 7 feet in length and 4 feet in width, and tatputtee bedding of the regulation size, shall be supplied for hospital use. On admission into hospital, the Medical Subordinate shall take from each prisoner his clothing, blankets, and bedding, and place them, after they have been washed, in the hospital store-room, and shall issue for the prisoner instead a suit of hospital clothing, as many blankets as the necessity of the case requires, a bed sheet, and a tatputtee. The hospital clothing shall be kept under the charge of the Medical Subordinate. On discharge of a prisoner from hospital, his own jail clothing and bedding shall be returned to him.

404. The Jailer is responsible for seeing that all prisoners receive articles of clothing and bedding according to the prescribed scales or the instruction specially given by the Superintendent or the Medical Officer. He shall arrange for the regular washing, repairs, and renewal of all articles of clothing as occasion arises. He shall inspect the clothing store once a month and record in his Report Book that the orders therein laid down are carried out and that a sufficient supply of new or serviceable clothing is always available for issue.

405. (1) Indents for prisoners' cotton and woollen clothing required for twelve months should be prepared and submitted in triplicate to the Inspector-General on the 1st December and 1st June of each year, respectively.

(2) No clothing or bedding shall be issued from the manufacturing department of any jail except upon an indent passed by the Inspector-General, and no clothing or bedding shall be purchased in the local market except in very special circumstances and then only with the sanction of the Inspector-General.

General responsibility of the Jailer as regards clothing.

Submission of clothing indents.

CHAPTER XXIII.

CONVICT LABOUR AND JAIL INDUSTRIES.

Statutory provisions.

Section 35 of the Prisons Act, 1894, requires that no labouring prisoner be kept to labour for more than nine hours in any one day. The Medical Officer shall from time to time examine such prisoners, and shall at least once a fortnight record the weight of each prisoner on his history-ticket. A prisoner whose health is suffering owing to the nature of his employment shall, on the Medical Officer's advice, be transferred to some other form of labour.

Labour to be provided for convicts sentenced to rigorous imprisonment.

Precautions in dangerous works.

Object of prison labour.

Non-working days.

Hours of labour.

Classes of labour and scales of tasks.

Selection of employment for convicts.

406. The Superintendent shall provide labour for convicts of every class sentenced to rigorous imprisonment.

When convicts are employed in well-sinking excavations or other work of a dangerous character, it shall be the duty of the officer conducting the work to take every reasonable precaution to guard against accidents.

407. The main object of prison labour should be the reformation of the prisoner. Hence purposeless and non-productive forms of labour should be avoided. Every effort should be made to provide the best available instruction in up-to-date methods of labour—especially in jail industries—so as to enable the prisoner to command a living wage on release. If a prisoner knows a trade carried on in the jail, it will be for the advantage both of the prisoner and of the jail that he should be put on that trade.

408. No convict shall be required to perform any labour, other than such as is indispensable to enable the necessary jail services to be carried on, on Sundays or on the following days which shall be designated as jail holidays: Christmas Day, Good Friday, the Birth-day of the King-Emperor, Bijoya Dasami, Doljatra and both the Id festivals.

409. No convict shall be made to labour for more than nine hours on any day, except on an emergency and with the sanction in writing of the Superintendent.

410. The various forms of labour are classified as hard, medium, and light. The scale of tasks arranged according to these classes and specifying the maximum task in each case is printed in Appendix IV(2).

411. (1) The Superintendent shall employ every convict on those forms of labour in accordance with the class of labour allotted on admission and subsequent changes of labour shall be recorded on the history-ticket under the initials of the Superintendent.

(2) All prisoners who are classed as fit for medium or light labour shall once a month be placed before the Medical Officer who shall examine them with a view to their reclassification, if necessary. If any person passed for hard labour subsequently becomes unfit to perform it, the Medical Officer shall similarly record the revised class of labour for which the prisoner is fit. In all the above cases the changes must be entered in the history sheets.

412. (1) When any form of labour not specified in the table of tasks is performed by any convict, or the form of labour is mentioned but a definite task is not given, the Superintendent in consultation with the Medical Officer shall, with due regard to the capabilities of the convict, fix what he considers to be a fair task, when this admits of being done.

Allotment
of labour in
cases not
provided for
in the sche-
dule of
tasks.

(2) Whenever a convict, declared fit for hard labour is from unavoidable causes employed on a form of labour which is classed as medium or light, the task may, under the orders of the Superintendent and with the approval of the Medical Officer, be increased to an extent which in their opinion the convict is capable of performing within the stipulated working-day; provided that ordinarily no convict passed as fit for hard labour shall be placed on medium or light labour and no convict passed as fit for medium labour shall be placed on light labour, so long as labour of the description he is declared capable of performing is available.

(3) The form of labour, and the amount of the task, together with every change of work shall be noted on the history-ticket of every convict against the initials of the officer responsible for making the entry.

413. Whenever a convict is given work to perform which requires skill, and with which he is unacquainted, or imperfectly acquainted, he shall be allowed a reasonable time to acquire the necessary knowledge and expertness (with due regard to his intelligence and capabilities), before a full task is exacted from him. The task he is set to begin with and every subsequent increase shall be noted in the history-ticket against the initials of the Superintendent or Jailer.

Time to be
given to ac-
quire skill.

Note.—The time taken to acquire skill of any kind necessarily depends on the nature of the work, and the intelligence of the convict, and varies from a few days in the case of simple industries, to several months in the case of expert weaving or carpet making and the like. As a rule, a small task to begin with should be increased at intervals of a week or fortnight according to circumstances.

414. It will be open to the Superintendent of the Jail to allot conservancy work to high caste Hindus who volunteer for it, subject to the following conditions:—

Allowance
for caste pre-
judice.

- (i) Volunteers should be employed only if the Superintendent having regard to the requirements of the jail deems it necessary to call for volunteers to be employed on conservancy work.
- (ii) The fact that a particular prisoner volunteers for conservancy work does not establish any right to be employed in that capacity.
- (iii) There should be a properly attested record of the fact that particular prisoners have volunteered to prevent any subsequent charge that this labour is exacted from them.
- (iv) Volunteers, to whom conservancy work is allotted, must perform that work in its entirety and for so long as the Superintendent of the Jail may direct. There should be no half measures, such as the combination of other employment with a little conservancy work.
- (v) The Superintendent has full discretion to discontinue such employment at any time.

(vi) Volunteers, to whom conservancy work is allotted, will not necessarily live in a barrack with the rest of the conservancy staff, but where the Superintendent directs. This is necessary to prevent the possible corruption by association of the genuine swesper staff with high caste volunteers.

(vii) Children and minors should not be accepted as volunteers."

Frequent change of work to be avoided.

Jail labour to be intramural or extramural.

Hours for extramural labour.

Invalid gang.

Female convicts not to work outside the female ward.

Tasks for females and juveniles.

Necessity of training convicts in skilled labour to replace released convicts.

415. Frequent change of work, except on medical grounds, shall be avoided, but the same form of hard labour shall not be indefinitely exacted, and sedentary work shall, as far as circumstances permit, be occasionally changed for work involving more general movement.

416. Labour in a jail may be—

- (1) intramural, *i.e.* within the outer main wall, or
- (2) extramural, *i.e.* beyond the outer walls of the jail but not ordinarily beyond the limits of the jail.

417. The hours of labour prescribed for prisoners employed on extramural labour are as follows :—

Hot weather—(April to September) — Commence work at 6.30 A.M. rest during the middle of the day (includes time for midday meal), from 10.30 A.M. to 12.30 P.M., leave off work at 5.30 P.M. Total number of hours of labour, nine.

Cold weather—(October to March) — Commence work at 7 A.M. rest during the middle of the day (including time for midday meal, if given), from 11 A.M. to 12 noon ; leave off work at 5 P.M. Total number of hours of labour, nine.

Weakly convicts shall, however, be allowed a midday rest of two hours, throughout the year.

418. For prisoners who are unfit because of age, disease or sickness, for performing ordinary labour there shall be an invalid gang. Instructions as regards this gang are given in Rules 675-6 in Chapter XXXVI.

419. No female convict shall, under any pretext, be employed outside the female ward of any jail.

420. Female prisoners shall ordinarily be employed in cooking or in the preparation of articles of food, such as pounding, husking, or sifting grain and the like, but shall not be employed in grinding grain except as punishment. Whenever possible they shall be given instruction in needle-work such as knitting, etc., and such other domestic industries as will be useful to them after release. The task to be imposed on any female or juvenile convict shall not exceed three-fourths of the task for hard labour prescribed in respect of adult male convicts.

421. The Jailer shall, so far as is possible, take steps to keep suitable convicts under training in all forms of skilled labour carried on in the jail in order to replace skilled convicts on release.

422. Every advantage shall be taken of convict labour in executing repairs or new works, and no article for jail use which the prisoners can manufacture shall be purchased in the local market.

Jail labour to supply jail needs.

423. All menial offices in the jail shall, as far as possible, be performed by convicts.

Performance of menial offices.

424. The proportion of prisoners employed as jail servants (*i.e.*, cooks, barbers, water-carriers, scavengers, etc.,) and hospital attendants shall not exceed ten per cent. of the total number of the prisoners in jail, except during epidemics when the number may be increased on the requisition of the Medical Officer, the action taken being duly reported for the sanction of the Inspector-General.

Restriction of number of convicts employed as menials.

425. The Superintendent shall not permit any convicts or convict officers to be employed in any private capacity either for himself or for any other person, except as provided below. A small gang of sweepers and water-carriers shall under the charge of a paid warden, visit all the quarters occupied by jail officers, except the Superintendent's house, twice a day. Each house shall be cleaned and supplied with water by the gang, which shall then be marched to the next house. No convicts of this gang shall be left about a house. If a Jailer is allowed a garden, a regular gang of not more than four convicts may be detailed to work in it.

Sweepers and water-carriers for official's quarters.

426. Except as permitted by Rule 425, no prisoner shall at any time be employed by any officer of the jail or other person on private work of any kind, except such as may be carried on in the ordinary course of any jail industry, with the knowledge and permission of the Superintendent and subject to the payment of the full charges for such work.

No prisoner to be employed by jail officials, or by private persons except as provided by the rules.

427. All officers are prohibited from employing convicts in attending to animals which do not belong to Government. The employment of convicts as house servants of any description is strictly prohibited. Any officer who wilfully disregards these rules will render himself liable to dismissal.

Convicts not to be employed as private servants.

428. Without the sanction of the Inspector-General, no convict shall at any time be employed on any labour outside the walls of the jail, or be permitted to pass out of the jail for the purpose of being so employed —

Restrictions on extramural employment of convicts.

(a) unless he has undergone not less than one-fourth of the substantive term of imprisonment to which he has been sentenced.

(b) if the unexpired term of substantive sentence, together with imprisonment (if any) awarded in lieu of fine, still to be undergone exceeds two years.

(c) if a sentence of whipping remains to be executed, or his appeal (if any) is undisposed of.

(d) if any other charge or charges are pending against him or he has to undergo a period of police surveillance on the expiry of his sentence.

(e) if he is a resident of foreign territory or a Native State; and

(/.) if he is a member of a wandering or criminal tribe, or is of a bad or dangerous character, or has at any time escaped or attempted to escape from lawful custody.

In every case in which a convict is employed on any labour outside the walls of the jail, or is permitted to pass out of the jail for the purpose of being so employed, it shall be subject to the condition that the Superintendent has sanctioned his employment outside the jail and recorded the fact of his having done so in the prisoner's history ticket.

Note.—When there are more prisoners eligible for employment outside the jail than are actually required, casuals and men with the shortest unexpired terms should be selected in preference to others.

Jailer and Superintendent must be satisfied that a prisoner selected for extramural employment fulfils the conditions.

Special attention to be paid to the health of extramural workers.

Where possible, extramural labour should be for jail purposes.

Extramural work for local boards and municipalities.

Extra mural work for Public Works Department.

429. Before any convict is employed on extramural work the Jailer shall certify on his history-ticket after examining the conviction warrant, that he is fit for extramural employment according to the rules. The Superintendent must verify this.

430. Only prisoners who are strong and in good health should be employed in extramural labour. In wet weather they should be supplied with *jhapis* and a complete set of dry clothes should be provided for a change if the prisoner gets wet. In the cold weather extra blankets should be provided. Vessels of boiled and filtered water must be sent out for drinking purposes with the extramural gang.

431. Convicts on extramural labour should be employed as far as possible on jail purposes, e.g. :—

- Brick making ;
- Work in jail garden ;
- Building, repairs, and alterations of the quarters of the jail officers, of wards, and of other works ;
- Cleaning, conservancy and water-supply arrangements of the lines of jail warders and other jail officers.

432. The supply of convict labour to municipalities and local boards is permitted during the months of November to April inclusive, and at other times of the year only during extra ordinary emergencies with the special sanction of the Superintendent who will immediately inform the Inspector-General of Prisons of the fact and of the reasons of the giving of his special sanction.

Note.—This, however, does not bar the Superintendent from employing the sanitary and anti-malarial gang (Rule 437) in local board and municipal areas at any season of the year.

433. Convict labour may be supplied to the Public Works Department.

[434. No convicts are at any time to be employed at a distance of more than three miles from the jail without the sanction of the Inspector-General of Prisons.]

435. (1) Under no circumstances shall a gang of less than eight prisoners in the case of a district jail and of four prisoners in a subdvisional jail be sent out for extramural employment; and on no account must these convicts be thus employed without a proper guard or supervisor.

(2) The strength of the guards to be sent out in charge of prisoners employed extramurally shall be one paid warden and one convict overseer for a gang of not more than ten prisoners.

Note.—For each gang of men employed outside the jail walls on works under the Public Works Department, a local board or municipality, the Superintendent may, if the Permanent warden staff is not sufficient, employ an extra warden of the lowest grade in anticipation of the sanction of the Inspector-General which shall be applied for without delay. But the pay of such of extra warders should on no account be recovered by the Jail Department from other Government Departments or local bodies.

436. Convicts shall not be employed in association with free labourers, with the exception that skilled workmen may be engaged as foreman or instructors on public works or in other industries.

437. A sanitary and anti-malarial gang shall be formed and trained in each jail for keeping the jail thoroughly clean and sanitary and for carrying-out anti-malarial measures. This gang can also be utilised for similar work in connection with civil hospitals and other Government institutions that happen to be within easy distance of the jail. The prisoners selected for this gang should, as far as possible, be short-termers. The labour should be supplied free of charge to Government institutions and local fund dispensaries and classed under "Unremunerative labour."

438. As regards payment for convict labour, the labour of prisoners employed on task or piece-work should be paid or charged for at the rates prevalent in the district for the particular description of work, if the convicts perform full tasks. If, however, the tasks have been reduced by the Superintendent, a proportionate reduction should be made in the task or piece-work rates. Superintendents should zealously scrutinise the valuation of such labour.

439. In any case in which convict labour cannot be valued at task or piece-work rates, it should be charged for at the rate of 12 annas per diem for skilled labour and 6 annas for unskilled.

Note.—These rates relate only to the hire of convicts and not labour rates for employment on jail industries.

440. The full value of the work done for the Public Works Department or for a local board, etc., on other than jail work at the rates given in Rule 439 shall be credited to the jail which supplied the labour. If the work is done for, or labour is supplied to, the Public Works Department, or other Department of Government, the account shall be adjusted by book transfer, irrespective of the amount involved, in the Comptroller's office; if done for a local body it shall be paid for in cash. An accurate account of the earnings of prisoners from this source shall be kept, and the total amount so earned during each calendar year shall be reported to the Inspector-General for incorporation in his annual accounts.

Convicts not to be employed beyond 3 miles from the jail. Strength of gangs and guards.

Employment of convicts with free labourers.

Sanitary and antimarial gang.

Payment of extramural labour on task or piece work.

Payment of extramural labour a daily rates.

Mode of payment by Public Works Department and by local bodies.

Jail industries, general principles of.

441. According to the orders of the Government of India, the first object to which jail industries shall be devoted is the supply of jail requirements. When these are satisfied, jail industries shall be adapted as much as possible to meet the requirements of other Government departments and these departments are bound to obtain articles which they require from jails, provided that they can be supplied by the jail of the same quality and at the same price as they can be obtained in the open market. It is only when these sources of employment are exhausted that jail industries should be devoted to producing articles for general sale, and if any jail industry is proved seriously to injure any local trade, it should be discontinued in favour of some other kind of employment.

Jail industries, limitation of.

442. The number of industries in jail must be limited as much as possible and no new industry shall be started in any jail without the previous sanction of the Inspector-General.

Checking of work done.

443. The Jailer or other officer in charge of a work gang shall check every evening the quantity of the work of the convicts and shall see that all convicts perform their allotted tasks, noting on the history-ticket any case of bad or short work.

Gratuities for expert work.

444. Convicts who are expert workmen and do specially good work such as carpenters, *muchis*, etc., shall be allowed gratuities, payable on release, at the rate of four annas for each month of such employment.

Purchase of raw materials and sale of finished products.

445. Rules for the purchase of raw materials, calculation of prices of, and of finished products will be found in Chapter LIX.

Jail labour or jail manufacturers on credit.

446. On no account is jail labour to be supplied or jail manufactures issued to any one on credit, except

- (1) to the Executive Engineer direct, or, on his written responsibility, to a contractor;
- (2) to any municipality or town fund;
- (3) to public officers serving in Assam;
- (4) to well-known and approved customers;

A bill shall be sent for any amount due before the end of the month, and if the account be not paid within two months from the date the debt is incurred, further credit should be stopped and the matter specially reported to the Inspector-General for orders.

Employment of prisoners as clerks.

447. The employment of prisoners as clerks in the jail office or store-rooms is prohibited. A convict orderly, sweeper, or punkahman may be employed, but care shall be taken that no prisoner is given any form of clerical work or allowed access to any jail papers or records. Prisoners able to read and write English shall not be employed as convict orderlies in the jail office or any of the store-rooms.

CHAPTER XXIV.

PRISONER'S PROPERTY.

Under section 5 of the Prisons Act, 1894, all money or other Statutory articles in respect whereof no order of a competent court has been made, provision. and which may with proper authority be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Jailer.

448. A list of all property of a prisoner taken from him on admission to the jail or delivered with him, or afterwards received on his account, shall, in the case of a civil or convicted prisoner, be endorsed on his warrant and signed by the Superintendent and Jailer; in the case of an under-trial prisoner, the property shall be entered in the Admission Register of under-trial prisoners in the column provided for the purpose. Such property shall be dealt with by the Jailer under the following rules:—

- (a) Such prohibited articles as tobacco, opium, ganja, chillum intoxicating liquor, etc., shall be destroyed.
- (b) Perishable articles such as grain or food if of any value shall be sold, and the proceeds shall be dealt with under clause (g).
- (c) If the Medical Officer considers there are sanitary objections to the retention of the clothing of any prisoner, or if a prisoner is suffering on admission from any infectious or contagious disease, the clothing shall under the written order of the Medical Officer be destroyed.
- (d) If the clothing of a prisoner is ragged and absolutely worthless, it shall be destroyed, and the Superintendent shall enter his order for destroying it opposite the items on the back of the warrant.
- (e) In the case of every prisoner sentenced to rigorous imprisonment for three years and upwards (not including imprisonment in default of payment of fine) his clothes shall be sold on confirmation of sentence on appeal or on expiration of the time allowed for appealing, if no appeal is made, and the proceeds shall be dealt with under clause (g). In other cases the clothing of a prisoner sentenced to rigorous imprisonment, shall be tied in a bundle and stored. *Lotahs* and other non-perishable articles capable of storage shall be labelled with the number and name of the prisoner and date of release. The bundle shall be arranged in the storage godown according to the month of release for the current year, and according to the year of release for subsequent years.
- (f) Valuable jewellery shall be folded in a separate paper packet for each prisoner, on which shall be inscribed the prisoner's number, name, and date of release, and shall be kept in a secure box in the Jailer's office under lock and key.

Disposal of property including sale-proceeds of goods and other money.

(g) Money (including sale-proceeds of any article) shall be kept in a separate bag in the Jailer's cash chest. If the amount accumulated is large, so much as is not required for current payments to prisoners on their release, shall be paid into Treasury by the Superintendent for credit to Revenue Deposit, as required by Rule 2 of Article 199 (b), Civil Account Code, and the Treasury Officer's receipt shall be filed in the cash book. Whenever the balance in the jail cash chest becomes less than is required to meet current payments, the Superintendent will withdraw so much of deposit as may be required on a Revenue Deposit repayment voucher duly filled in and signed by him. The receipt and disposal of all money belonging to prisoners shall be entered in the cash book and the date of entry of receipt shall be noted on the prisoner's warrant. A daily note shall be made of the amount of prisoners' cash which remains in the hands of the Treasury Officer.

NOTE.—The sale of prisoner's property shall be held at the Magistrate's Court by the Nazir and not at the jail gate.

(h) Only such property shall be kept as can be conveniently stored. If live-stock or cumbersome articles, such as charpoys, etc., are brought or sent to the jail for a prisoner, they shall be handed over to the prisoner's friends, if he so desire; otherwise they may be sold and the proceeds dealt with under (g).

449. (1) An entry shall be made in the proper column of the Convict Register, describing the property delivered with or found on a prisoner on admission, or that may be afterwards received upon his account. Such entry shall specify the nature of the property, the number or quantity, and the approximate value of each item. If any property is sold under Rule 448 the amount of the proceeds shall be entered to the prisoner's credit in the register, the actual money being dealt with under the same rule.

(2) In addition, money and jewellery shall be entered in the Register of Prisoner's Property. In the case of jewellery particulars should be given as to its weight, size and shape.

450. When a prisoner on admission is brought before the Superintendent for verification, the latter shall see that all money, jewellery, clothing and property brought with or found upon the prisoner have been duly entered in the register in the manner above provided. These entries shall be read over to the prisoner in the presence of the Superintendent, and his property shall at the same time be shown to him. If the entries and articles are acknowledged to be correct, the prisoner shall be required to sign or mark the register in token thereof. The Jailer shall also initial the entry in token of having received the property into his charge.

Record of
prisoner's
property.

List of pro-
perty to be
read over to
prisoner.

Disposal on
transfer or
release of
prisoner.

451. On the transfer or release of a prisoner all property entered as his in the register shall be shown to him in the presence of the Superintendent, and if he admits that it is correct, he shall be required to sign or mark the register in token thereof, and, if he is to be released, the property shall be then and there made over to him, no

stamped receipt being necessary. If he is to be transferred, the Superintendent shall see that the property is correctly described in the list to be sent with the prisoner and, if it includes valuables, the Superintendent shall have it securely sealed up in his presence for delivery to the officer in charge of the escort. On the transfer of a prisoner all his property shall be sent with him.

452. The Superintendent may, at his discretion, make over money or property belonging to a prisoner to whomsoever such prisoner may indicate, provided that no property shall be made over which the prisoner himself will need on release. Whenever property is made over to others at a prisoner's request, a receipt for the property shall be taken, and the prisoner's signature or mark consenting to the arrangement shall be recorded in the register.

453. Civil prisoners shall be allowed to draw on the money to their credit in the custody of the Jailer for purposes approved by the Superintendent.

454. Whenever the private clothing of a prisoner has been destroyed or sold, he shall, on release, be provided with a cheap cloth (not convict cloth), or in the case of European or other male prisoner so classed, with a coat, a pair of trousers, braces, shirt, collar, pair of boots, hat and neck-tie. The value of the outfit supplied shall be deducted from any private money, other than subsistence allowance, belonging to the prisoner and if he has none, or the amount is insufficient, the cost shall be debited to Government. Any convict whose circumstances require it shall be supplied with suitable clothing free of charge.

455. When a prisoner dies in jail, his property shall be sent to the Magistrate of the district to which the deceased belonged, for disposal. The wishes expressed by any dying prisoner about his property shall be communicated to the Magistrate together with full particulars to enable him to trace the relations.

456. (1) Unauthorized property found on a prisoner on any occasion subsequent to the search to which he is subjected on admission shall be forfeited to Government and the money, or the sale-proceeds of any articles sold, shall be paid into the Treasury in full under "Miscellaneous Jail receipts".

(2) The Superintendent may at his discretion award to the officer discovering the unauthorized property not more than one-half of any sum of money so found or realized, drawing the same under, and debiting it to, the head "Rewards, etc."

Property
may be made
over to
friend of
prisoner.

Use of pri-
vate cash.

Provision
of clothing
on release.

Disposal of
property of
deceased pri-
soner.

Disposal of
property found after
original search.

CHAPTER XXV.

INTERVIEWS AND COMMUNICATIONS WITH PRISONERS.

Statutory provisions.

Section 40 of the Prisons Act, 1894, requires that due provision shall be made for the admission into a jail of persons with whom civil or under-trial prisoners may desire to communicate, care being taken that so far as may be consistent with the interests of justice under-trial prisoners may see their legal advisers without the presence of any other person.

Under section 41 the Jailer may demand the name and address of any visitor to a prisoner, and may search any visitor if he has any ground for suspicion. The Jailer may deny admission to any visitor who refuses to permit himself to be searched, entering the grounds of his action in such record as the Local Government may direct.

Reasonable facilities to be allowed for interviews and letters.

457. (1) Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives or friends with a view to the preparation of an appeal or to the procuring of bail and shall also be allowed to have interviews or write letters to his friends once or twice, or oftener if the Superintendent considers it necessary, to enable him to arrange for the management of his property or other family affairs.

(2) Every prisoner committed to prison in default of payment of a fine or of finding security under Chapter VIII of the Code of Criminal Procedure shall be allowed to communicate by letter and to have interviews at any reasonable time with his relations or friends for the purpose of arranging for the payment of the fine or the furnishing of security.

(3) Every prisoner under sentence of transportation and about to be transported shall be allowed to have one or more interviews with his relatives and friends before transfer from the jail to which he was committed when sentenced.

(4) Every prisoner under sentence of death shall be allowed such interviews and other communications with his relatives, friends and legal advisers as the Superintendent thinks reasonable.

Privileges contingent on good conduct.

458. In addition to the privileges granted in the last preceding rule every convicted prisoner in "C" Division shall be allowed to have an interview with his friends and to write and receive a letter once in three months during the term of his imprisonment provided that the exercise of this privilege shall be contingent on good conduct and may be withdrawn or postponed by the Superintendent for bad conduct.

The special privileges accorded to "A" and "B" Division prisoners are laid down in Chapter XLIII.

NOTE (i).—A letter merely arranging an interview shall not be counted as a letter for the purposes of this rule.

NOTE (ii).—A prisoner may with the permission of the Superintendent, substitute a letter with reply for an interview, or vice versa.

NOTE (iii).—As regards convict overseers and warders, see Rules 359 and 364.

459. The Superintendent may at his discretion grant interviews or allow the despatch or receipt of letters at shorter intervals than provided in Rule 458 or in spite of the prisoner's misconduct if he considers that special or urgent grounds exist for such concession, as for example, in the event of the prisoner being seriously ill or on the occurrence of the death of a near relative, or if the friends or relatives have come from a distance to see the prisoner and it would inflict an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure an employment or for other sufficient cause. Matters of importance, such as the death of a relative, may also be communicated at any time by the friends of a prisoner to the Superintendent who will, if he thinks it expedient, inform the prisoner of the substance of the communication.

In the case of prisoners labouring under dangerous illness and in case of extreme urgency the friends should be called by letter direct.

460. (1) No convicted prisoner shall be allowed to have an interview or to receive or write a letter except with the permission of the Superintendent which shall be recorded in writing.

An entry should be made of every interview and letter with date on the convict's history-ticket.

(2) Applications for interviews with prisoners may be oral or in writing at the discretion of the Superintendent. If the prisoner is not entitled to an interview, the applicant shall be informed at once.

461. The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interview shall be allowed at any other time except with the special permission of the Superintendent. A notice of the interview hours shall be posted outside the jail.

462. Every interview shall take place in a special part of the jail appointed for the purpose, if possible at or near the main gate. Provided that interviews with female prisoners shall, if practicable, take place in the female enclosure. Provided also that if a prisoner is seriously ill, the Superintendent may permit the interview to take place in the hospital, and a condemned prisoner shall ordinarily be interviewed in his cell. Provided further that the Superintendent may, for special reasons to be recorded in writing, permit an interview to take place in any part of the jail.

463. Every interview with a convicted prisoner shall take place in the presence of a jail officer, who shall be responsible that no irregularity occurs and who shall be so placed as to be able to see and hear what passes and to prevent any article being passed between the parties.

464. Any interview may be terminated at any moment if the officer present considers that sufficient cause exists. In every such case the reason for terminating the interview shall be reported at once for the orders of the senior officer present in the jail.

465. The time allowed for an interview shall not ordinarily exceed 20 minutes but may be extended by the Superintendent at his discretion.

Superintendent's discretion to grant privileges at the shorter intervals.

Superintendent's permission for interviews required.

Time for interviews.

Place of interviews.

Interview with convicted prisoners to take place in presence of a jail officer.

Termination of interview.

Duration of interview.

Search
before and
after inter-
view.

466. Every convicted prisoner and every unconvicted criminal prisoner shall be carefully searched before and after an interview.

When
Superintend-
ent may
refuse inter-
view.

467. A Superintendent may refuse to allow any interview to which a prisoner would ordinarily be entitled under these rules but in every such case, if in his opinion it is inexpedient in the public interests to allow any particular person to interview a prisoner or if other sufficient cause exists, he shall record his reasons for such refusal in his minute book.

Withhold-
ing letters
and their
disposal.

468. (1) No letter shall be delivered to or sent by a convicted prisoner until it has been examined by the Superintendent or by the Jailer or other officer under the Superintendent's orders, but no unnecessary delay should be allowed to occur in delivery or despatch. If a letter is written in a language unknown to the Superintendent, he shall take steps to procure a translation before forwarding the letter. No letter written in cipher shall be allowed. The Superintendent may withhold any letter which seems to him to be in any way improper or objectionable, or may erase any improper or objectionable passages.

(2) If a letter is addressed to a prisoner who is not entitled under the rules to receive it, it may unless the Superintendent determines to communicate it under Rule 459, be withheld and kept in the Superintendent's custody until the prisoner is entitled to receive it or is released, when it shall be delivered to him, unless it is improper or objectionable; or it may be returned to the sender with the intimation that the prisoner is not entitled to receive it.

Convicts
may keep
letters if
allowed.

469. A convict may retain any letter which has been delivered to him with due authority unless the Superintendent otherwise directs, or may ask that it be kept for him.

Supply of
writing ma-
terials and
other facil-
ties.

470. Writing materials including non-official postcards shall be supplied in reasonable quantities to any convict who has permission to write a letter and all letters shall be written at such time and place as the Superintendent may appoint. A fixed day of the week, preferably Sunday, shall be set apart for letter writing. Non-official postage stamps at the public expense shall be provided for prisoner's letters.

Exclusion
from privi-
leges.

471. Any prisoner who abuses any privilege relating to the holding of an interview or the writing of letters or other communication with any person outside the jail shall be liable to be excluded from such privileges for such time and may be subject to such further restrictions as the Superintendent may direct.

Facilities
to be granted
to unconvict-
ed criminal
prisoners and
to civil pri-
soners in the
matter of
interviews
and letters.

472. (1) Unconvicted criminal prisoners and civil prisoners shall be granted all reasonable facilities at proper times and under proper restrictions for interviewing or otherwise communicating either orally or in writing with their relatives, friends and legal advisers.

(2) Every interview between an unconvicted prisoner and his legal adviser shall take place within sight but out of hearing of a jail official. A similar concession may be allowed by the Superintendent in the case of an interview with any near relative of the unconvicted prisoner.

(3) When any person desires an interview with an unconvicted criminal prisoner in the capacity of the prisoner's legal adviser he shall apply in writing, giving his name and address and stating to what branch of the legal profession he belongs and he must satisfy the Superintendent that he is the *bona fide* legal adviser of the prisoner with whom he seeks an interview and that he has legitimate business with him.

(4) Any *bona fide* confidential written communication prepared by an unconvicted criminal prisoner as instructions to his legal adviser may be delivered personally to such legal adviser without being previously examined by the Superintendent. For the purpose of this rule the term legal adviser means a legal practitioner within the meaning of Act XVIII of 1879.

(5) Civil prisoners may see their friends and relations at such times and under restrictions as the Superintendent may appoint and the presence of a jail officer shall not be necessary.

1473. The Jailer shall bring to the notice of the Superintendent all Interviews of approvers and shall personally conduct such interviews with approv-
ers. which should be terminated at once if any attempt is made to influence the prisoner to withdraw his confession or alter his evidence.

CHAPTER XXVI.

APPEALS BY PRISONERS.

474. The Superintendent shall inform every convict on first admission to jail of the period within which an appeal from the order under which he has been committed to jail may be filed. If the convict desires to appeal and is entitled to do so, every facility shall be granted him for the purpose.

475. (a) The periods within which appeals must be filed are as follows:—

(1) To the District Magistrates or the Court of Session.....30 days.

(2) To the High Court against a sentence of death7 days.

(3) To the High Court in any other case.....60 days.

(b) The presentation of a petition of appeal by a convict to the Superintendent is, for the purposes of the Indian Limitation Act, 1908, equivalent to presentation to the court.

(c) The Superintendent shall not detain the appeal of any convict even though it be apparently barred by limitation.

476. If a convict without friends, relatives or counsel to act for him elects to appeal, the Superintendent shall apply to the court concerned for a copy of the judgment or order appealed against.

477. When the copy of the judgment has been received, the date of its receipt shall be noted thereon, and the convict shall, if he is able to write, write his own petition of appeal; if not, the Superintendent shall cause his petition to be written by a jail officer and the convict's case shall, as far as possible, be recorded in his own words.

478. The Superintendent shall forward the petition of appeal with the copy of the judgment or order to the Appellate Court. On the petition of appeal shall be noted the following information:—

(a) The date on which the application for copy of the judgment was despatched;

(b) The date on which the copy of the judgment was received;

(c) The date on which the convict presented the petition of appeal.

479. If after receipt of the copy of judgment the prisoner's friend or agent undertakes to make the appeal, the copy of judgment shall be delivered to him with the prisoner's consent.

480. If a relative or agent of the convict undertakes to make an appeal on his behalf, the arrangement must be authorised by power-of-attorney signed by the prisoner and attested by the Superintendent, or, in his absence, by the Jailer or the Assistant Jailer. For this service no fee shall be demanded or accepted.

Agent's powers of attorney to be attested by the jail authorities.

481. The date on which a convict decides to appeal or not to appeal and his decision shall be entered in the appropriate space in the history-ticket. In case he decides to appeal, subsequent entries relating to the appeal and its result shall also be recorded therein.

Entries to be made in his history-tickets.

482. The Superintendent shall inform every convict under sentence of death that if he wishes to appeal to the High Court, he must do so within seven days. If he has elected to appeal, but the copy of the judgment has not been received, the Superintendent shall, on the seventh day after the date of sentence, forward the petition of appeal to the Registrar of the High Court without waiting for the copy of the judgment. He shall note in the forwarding docket that a copy of the judgment has been applied for, but has not been received in time.

Superintendent's duties in connection with a prisoner sentenced to death.

483. When notice of the date of hearing has been received, the Superintendent shall communicate the date to the convict, who shall affix his left thumb impression or signature on the notice, which will then be attested by the Superintendent and returned to the court or office from which it was received.

Superintendent to notify prisoner date of hearing of appeal.

484. When the order on an appeal has been received, the Superintendent shall himself communicate its purport to the convict concerned, and shall enter on the order a certificate to the effect that it has been so communicated. The copy of the Appellate Court's order and other connected papers shall be filed with the convict's warrant. In cases where an amended warrant has to be issued, and such amended warrant is not received with the copy of the order, the Superintendent shall make a report to the court by which such amended warrant is required to be issued.

Superintendent to inform date of appeal.

485. If the result of an appeal is not communicated to the Superintendent within 15 days, or in the case of the High Court within one month of the date on which the appeal was submitted the Superintendent shall send a reminder to the Sessions Court, or to the Magistrate of the district, as the case may be, enquiring what has been the result of appeal, and thereafter shall repeat the enquiry at reasonable intervals.

Superintendent to remind Court if result of appeal not communicated.

486. Whenever a convict has been transferred to another jail before the receipt of the copy of the judgment or order on his appeal, the copy of the judgment or order, as the case may be, shall, on receipt, be forwarded without delay to the Superintendent of the Jail in which the prisoner is confined, and an acknowledgement obtained.

In case of prisoner transferred, result of appeal to be sent.

487. If a prisoner sentenced to whipping in addition to imprisonment appeals, the sentence of whipping shall not be carried out until the result of the appeal is known; and no prisoner shall be transferred if a sentence of whipping is pending.

In case of a whipping order, sentence not to be carried out till result of appeal nor prisoner to be transferred.

Jail authorities to assist in case of revision petition.

488. A prisoner can appeal only once to a Judicial Court; the order of the Appellate Court is final. If the prisoner wishes to move a higher Court for the revision of the proceedings in his case, action must be taken by his friend or agent. The jail authorities cannot act in the matter.

General application of this chapter to petitions for revision.

489. The provisions laid down in this chapter shall, as far as may be, apply to petitions for revision of sentences under Chapter XXXII of the Code of Criminal Procedure, 1898.

CHAPTER XXVII.

PETITIONS TO GOVERNMENT FROM CONVICTS.

NOTE.—This chapter does not apply to petitions for clemency from condemned prisoners, which are dealt with under Rule 853 *et seq.*

490. (1) Every convict shall be provided with writing materials and be given proper facilities to enable him to petition Government for clemency, should he desire to do so.

(2) The petition may be drafted by the convict himself or by his friends or legal advisers; in the latter case and for this purpose he shall be permitted to communicate by letter or interview with such persons as he may desire to consult.

(3) If a convict cannot write, and has no friends or relatives who are able and willing to help him, the petition shall be drawn up by an officer of the jail, or by another prisoner, at the convict's own dictation and if by an officer of the jail, without suggestion on the part of the writer, or additions to what the prisoner himself desires to state. Convicts sentenced in the same case may adopt a joint petition.

491. (1) Every petition for clemency drawn up by a jail officer or by another convict shall be read over to, and if acknowledged correct, signed, by the prisoner concerned, or left thumb impression affixed in the presence of the Superintendent or Jailer, who shall certify accordingly.

(2) Every petition whether prepared within or without the jail (and if in the vernacular, an English translation of it) shall, after countersignature by the Superintendent, be forwarded with the nominal roll and such other papers as may be necessary, to the Inspector-General for transmission to Government.

(3) Should a petitioner assign his state of health as a reason for the exercise of clemency, a report drawn up by the Medical Officer as to his condition shall accompany the petition.

(4) Prisoners' petitions shall be written in half margin-foolscap.

492. Every petition shall be accompanied by a copy of the judgment passed in the case, and if an appeal has been lodged, a copy of the judgment of the Appellate Court shall also accompany it.

NOTE.—Copies of judgments are supplied on application to the courts concerned free of charge.

493. Every petition from an Indian military prisoner convicted and sentenced by courts-martial shall be accompanied by a copy of the warrant on which the prisoner was committed to jail.

494. The orders passed on every petition to Government shall be communicated to the convict concerned, in the presence of the Superintendent or Jailer, as soon as practicable after their receipt, and the purport of them, with the date of communication, shall be recorded on the convict's history-ticket and in the prescribed column of the Convict Register.

495. A second petition to Government shall not be forwarded, unless in the opinion of the Superintendent further information is available which renders a reconsideration of the case desirable.

Facilities
for prepar-
ing petition.

Authentica-
tion and
submission
of petition.

Copy of
judgment to
accompany
petition.

When copy
of warrant
to accom-
pany.

Commu-
cation of
Government
orders.

Second
petition to
be withheld.

CHAPTER XXVIII.

TRANSFERS.

Statutory provisions.

Under section 29 of Prisoners Act, 1900, the power of removing a convicted prisoner, or a person confined in jail in default of giving security for keeping the peace or for maintaining good behaviour, from one jail to another within the Presidency, vests in the Local Government and (subject to its orders and under its control) in the Inspector-General.

Section 26 of the Prisons Act, 1894, requires that all prisoners previous to transfer, shall be examined by the Medical Officer, who shall certify that they are free from any illness rendering them unfit for removal.

Transfer for release of convicts confined in one province and resident in another.

496. The following rule made by the Governor-General in Council under section 29(1) of the Prisoners Act, 1900 (III of 1900), as amended by the Repealing and Amending Act, 1908 (I of 1908), regulates the transfer for release of convicts confined in one province and resident in another:—

I. Any prisoner belonging to any of the following classes:—

- (a) Members of criminal tribes and police-registered criminals, not being natives of the province in which they are undergoing sentence;
- (b) Ex-military policemen of the Burma Military Police, and prisoners being natives of India, undergoing sentence in Burma, who are or at the time of their trial were subject to the Indian Articles of War (Act V of 1869);
- (c) Followers of the Burma Military Police, who have been recruited in India and are undergoing sentence in Burma; may be removed by order of Inspector-General of Prisons of the province in which he has been undergoing sentence at any time not exceeding two months prior to his release either to the prison of the district to which he belongs or to the prison nearest to his native place.

Notice shall in each case be given to the Inspector-General of Prisons of the province to which a prisoner is removed.

Provided that if a Local Government appoints any prison or prisons as receiving dépôts for prisoners removed from other provinces, orders made under this rule shall in each case direct that the prisoner be removed to such prison.

II. Any prisoner whose detention in a prison of the province in which he is undergoing sentence is deemed inexpedient may be removed with the previous consent of the Inspector-General of Prisons of the province to which it is proposed to remove him.

497. With reference to the proviso to Rule I in the above rule, the Governor in Council has appointed the jails at Gauhati and Sylhet as the receiving dépôts for prisoners removed from other provinces, the former for prisoners intended for the districts of Goalpara, Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Naga Hills, Khasi and Jaintia Hills and Garo Hills, and the latter for those intended for the districts of Sylhet, Cachar, the Lushai Hills and the Manipur State.

Receiving jails in Assam for above.

498. The following rule has been made by the Governor-General in Council under section 29(1) of the Prisoners Act, 1900 :—

Any European military or *ex-military* convict undergoing a sentence imposed by a civil court, whom it is intended to remove from India, may be removed by order of the Local Government of the province in which he has been undergoing sentence, at any time not exceeding three months prior to his release, to a prison at the port from which it is proposed that he should embark.

NOTE.—Detailed instructions on the subject of transfer of European *ex-military* convicts and their gratuity and outfit are contained in Appendix IV(8) of the Jail Manual.

499. Superintendents of Jails have authority to transfer prisoners required to give evidence or to undergo trial for an offence in another province within the local limits of the appellate jurisdiction of the Calcutta High Court, in which case a Magistrate of the first class before whom the case is pending is competent to make an order for the transfer of such prisoners under section 37 of the Prisoners Act III of 1900 ; but when it is necessary to transfer a prisoner for the above purposes beyond the local limits of the appellate jurisdiction of the Calcutta High Court, an order of the Local Government of this province under section 40 of the said Act is necessary.

500. Whenever the transfer of a prisoner to another province is necessary or desirable as in the case of a P. R/T. prisoner, application for sanction to transfer shall be made to the Inspector-General three months before the date of the prisoner's release.

501. The following list shows the names of the transferring and receiving jails and the classes of prisoners to be selected for transfer for the purpose of undergoing their sentences :—

Transferring Jails.	Receiving Jails.	Classes of prisoners to be selected for transfer.
Silchar ...	Sylhet ...	All habituals, and casuals with sentences of one year and over.
Aijal ...	Ditto ...	Habituals and casuals with sentences of over three months at the discretion of the Superintendent, Lushai Hills.
Habiganj, South Sylhet, Karimganj, Sunamganj.	Ditto ...	All habituals, and casuals with sentences of over three months.
Nowgong, Dhubri, Jorhat, Tezpur, Dibrugarh.	Gauhati ...	All casuals with sentences of one year and over.
Shillong, Kohima, Tura.	Ditto ...	Habituals and casuals with sentences of over three months at the discretion of the Deputy Commissioner.
Nowgong, Dhubri, Jorhat, Dibrugarh, Gauhati.	Tezpur ...	All habituals with sentences of one year and over.
Mangaldai ...	Ditto ...	All habituals, and casuals with sentences of over three months.
Sibsagar, Golaghat, North Lakhimpur.	Jorhat ...	All habituals, and casuals with sentences of over three months.

Transfer of European *ex-military* convicts for repatriation.

Transfers of prisoners to give evidence or to undergo trial in another province.

Transfer of P. R/T. prisoners and others to their native province.

Transferring and receiving jails in Assam.

Definition of
"long-term
prisoner".

502. The expression "long-term prisoner" in this Manual means a prisoner with a substantive sentence (or an aggregate of substantive sentences) of one year and over.

Transfer in
which sanc-
tion of Ins-
pector-Gen-
eral is not
required.

503. Subject to the provisions of rule 500 the sanction of the Inspector-General is necessary for the transfer of any prisoner from one jail to another within the province, except—

- (1) Prisoners required to give evidence or to undergo trial on another charge under sections 35 to 39 of Act III of 1900.
- (2) Juvenile prisoners to a reformatory school, when a warrant for detention in a reformatory is received.
- (3) P. R/T prisoners when their districts are situated within the province of Assam.

With regard to the prisoners sent to appear in any court the provisions of Part IX of the Prisoners' Act, III of 1900 and the rules framed under section 51 of the Act shall be strictly observed.

What trans-
fers shall be
made.

504. Subject to the Inspector-General's sanction and to the provisions in rule 516 regarding prisoners sentenced in hill districts, the following transfers shall be made:—

- (a) of all long-term prisoners sentenced to a period of imprisonment exceeding one year to the prescribed district jails;
- (b) of prisoners in "A" and "B" Divisions to jails as prescribed in Chapter XLIII;
- (c) of juveniles and female and leper prisoners to jails set apart for their reception;
- (d) to relieve overcrowding;
- (e) of educated prisoners to jails where their services are required;
- (f) of prisoners who have influence in the district in which imprisoned or who are violent or dangerous characters;
- (g) of prisoners to serve as convict officers or servants or to teach any special trade;
- (h) of prisoners convicted of opium smuggling to jails of their districts;
- (i) of prisoners for the benefit of their health to other jails;
- (j) of female prisoners to jails of their native districts for release;
- (k) of P. R/T. prisoners prior to release when their districts are situated outside the province or in a Native State and of prisoners for the purpose of giving information to police;
- (l) of prisoners sentenced to death; and
- (m) of incorrigible prisoners of the habitual class other than P. R/T. with sentences of not less than a period of one month to the Tezpur and Sylhet Jails.

But transfers under clauses (2) and (m) and under clause (c) in the case of convicted female and juvenile prisoners where there is no separate accommodation for them, shall be made in anticipation of the Inspector-General's formal sanction, without waiting for his order; likewise transfers under clause (d) to relieve overcrowding and under clauses (j) and (k) in cases where there is no time to obtain sanction before release is due.

505. With every application for orders to transfer prisoners, or report of transfer in anticipation of sanction (which must be made immediately after prisoners have been despatched) a roll stating the numbers and names of prisoners to be transferred (or who have been transferred), the Medical Officer's report of the state of health of such prisoners, the reason for the transfer, and such other information as the Inspector-General may require, shall be submitted to him, and an office copy shall be kept in the jail office. The order of the Inspector-General sanctioning the transfer shall contain only the serial numbers and names of the prisoners, and shall be sent to the jail in which the prisoners are confined, the roll itself being sent to the jail or jails to which the prisoners are to be transferred.

Steps to be taken by Superintendent in applying to Inspector-General for transfer.

506. Prisoners convicted in the same case shall, as far as practicable, be confined in different jails and in selecting prisoners for transfer Superintendents shall keep this principle in view.

Prisoners convicted in the same case.

507. It shall be the Superintendent's duty to see that descriptive rolls of all prisoners whose transfer is desirable, especially long-term convicts, educated convicts, convicts who are convicted jail officers, and convicts possessing local influence, are duly prepared and submitted to the Inspector-General for orders. If serious overcrowding be anticipated, the action ordered in rule 704 shall be taken by the Superintendent without delay.

Descriptive rolls to be submitted to Inspector-General.

508. If notorious jail breakers or other violent characters be imprisoned in an unsafe jail, or if any jail officer or servant or any members of the police force of the district, be imprisoned for a period over one month, or if any relation of any jail officer be imprisoned, or any person of great local influence, or any person whose transfer to any other jail may be regarded as expedient, information should at once be given to the Inspector-General of Prisons with a view to such prisoner's transfer.

Transfer of jail breakers, persons of influence, etc.

509. Prisoners sentenced to imprisonment for smuggling opium or cocaine, who are residents of any district in the province of Assam, Bengal, the United Provinces, the Punjab, Behar and Orissa, the Central Provinces, Delhi and the North-West Frontier Province, shall be transferred to the jails of the districts to which they belong at any time not exceeding two months prior to their release. Descriptive rolls in quadruplicate, of all such prisoners shall be submitted without delay to the Inspector-General who will sanction their transfer and at

Transfer of opium and cocaine smugglers.

the same time inform the Inspector-General of Police of this province and the Excise Bureau of the province concerned of the transfer and furnish each with a copy of the descriptive roll. When such prisoners are residents of a Native State, they shall be transferred to the jail of the district situated nearest to such Native State.

510. Convicts sentenced to whipping in addition to imprisonment shall not be recommended for transfer from a jail until the expiration of the period prescribed by law for the infliction of such punishment, or in cases of appeal, until the sentence of whipping has been inflicted or annulled or commuted, as the case may be.

511. (a) Convicts in bad health and infirm convicts shall not be transferred without the sanction of the Inspector-General of Prisons.

(b) No prisoner who is in hospital shall be transferred except for the benefit of his health.

(c) When the Medical Officer is of opinion that the transfer of a sick prisoner to another jail is likely to lead to his recovery, or materially to prolong his life, he shall forward a brief statement of the case to the Superintendent, mentioning the jail to which a transfer is desirable. The Superintendent shall submit the case to the Inspector-General for orders.

512. Prisoners sentenced to simple imprisonment will ordinarily be detained in the jails to which they are in the first instance committed.

513. Ordinarily no casual prisoner in any jails shall be transferred (except for the purpose of giving evidence) until the time allowed for appeal has expired, or, if he has appealed, until his appeal has been decided. Incorrigible habitual prisoners with sentences of not less than a period of one month shall be transferred immediately on conviction to the appointed jails.

514. As all long-term prisoners are transferred to certain prescribed jails these jails shall supply other jails with convict overseers, blacksmiths, sweepers, etc., when required. *Mehter* prisoners sentenced to rigorous imprisonment, who are not P. R/T. prisoners, who have served half their sentences and have not more than six months of unexpired sentence shall be selected for conservancy work in subdivisional jails.

515. Prisoners shall not be transferred from one jail to another while cholera, or any other epidemic is prevalent in either the transferring or receiving jail, nor until after the total disappearance of such disease. Care must also be taken not to transfer prisoners along a route where cholera is prevalent without special precautions.

516. (i) When persons belonging to hill tribes commit offence in British territory and are sentenced to imprisonment in a hill district for a period not exceeding three months they should be retained in the jail of the hill district concerned. When they are sentenced to more

than three months' imprisonment, they may be retained in the jail of the hill district or transferred to the prescribed plains district headquarters jail at the discretion of the Deputy Commissioner without any reference to the Inspector-General of Prisons being required.

(ii) When plains men are sentenced to imprisonment in a hill district they may be transferred to the prescribed district jail at the discretion of the Deputy Commissioner irrespective of the terms of their sentence and without any reference to the Inspector-General of Prisons being required.

(iii) When the transfer of any prisoner from a jail in a hill district to the prescribed plains district jail is considered necessary, the Deputy Commissioner should ascertain beforehand from the Superintendent of the latter jail that accommodation is available.

517. All female prisoners with sentences of over one month's imprisonment from the prisons at Nowgong and Dhubri shall be transferred to the Gauhati Jail for confinement, those from the prisons at Golaghat, Sibsagar, Dibrugarh and North Lakhimpur to the Jorhat Jail, those from Mangaldai to the Tezpur Jail, those from Karimganj to Silchar Jail and those from the remaining prisons in the Surma Valley to the Sylhet Jail.

Transfer of female prisoners with sentence over one month's imprisonment.

A female prisoner belonging to a hill tribe with a sentence of over one month's imprisonment in any jail in a hill district may either be retained in the local prison or transferred to the prescribed district jail in the plains at the discretion of the Deputy Commissioner.

518. Military police sentenced to a term of imprisonment exceeding one month should be confined in the following jails.

Transfer of military police prisoners.

1st Battalion, Assam Rifles	...	...	Silchar.
2nd	"	...	Dibrugarh.
3rd	"	...	Jorhat.
4th	" (Except Tura Detachment)	Jorhat.	
5th	" (Except Happy Valley Detachment).	Tezpur.	
Tura Detachment	...	...	Dhubri.
Happy Valley Detachment	...	...	Gauhati.

519. Prisoners who are sentenced to imprisonment of either description on conviction of any of the offences enumerated in section 106, Criminal Procedure Code, and who under the same section are required to find security for keeping the peace for a further period after the expiry of their sentences, frequently find an additional difficulty in procuring security when confined in jails in districts not their own. The continued detention of such prisoners in jail on this account is not only a hardship to them, but is a profitless expense to Government. Necessary arrangements for the transfer of such prisoners to the jails of their own districts should be made, if in the province, before the expiry of their substantive imprisonment.

Transfer to their own districts of prisoners, undergoing imprisonment in default under section 106, Criminal Procedure Code.

520. All prisoners in "A" and "B" Divisions confined in a district jail which is not declared to be a receiving jail for them should be sent at once to one of the receiving jails; but in cases where the prisoner wishes to appeal, he may be detained for two or three days to permit of his making arrangements with his legal advisers and friends. He is not, however, to be detained until the result of his

Transfer of "A" and "B" Division prisoners to receiving jails.

appeal is known. If this short detention should not be enough, a special representation should be made to the Inspector-General at once, on conviction, and he may be kept in the jail pending the receipt of orders.

NOTE.—The receiving jails for such prisoners are—

‘A’ Division—Tezpur and Sylhet.

‘B’ Division—Tezpur, Sylhet, Nowgong and Silchar.

521. The duty of escorting prisoners rests on the police. Superintendents shall endeavour to reduce the calls upon the police as far as possible by transferring prisoners in batches. If the convicts are to travel by rail, the Superintendent shall arrange for the necessary accommodation.

522. When prisoners are to be transferred, the Superintendent shall apply within a reasonable time—except in cases of emergency not less than 48 hours beforehand—to the Superintendent of Police for the requisite guard, intimating the number of prisoners and the date and hour of their intended despatch. It should be noted on the requisition if any specially dangerous or important convicts are included.

Intimation
of transfer
to be given
to the
receiving
jail.

523. The Jail Superintendent will advise the Superintendent of the Jail to which the prisoners are to be despatched of the number to be transferred, the date of departure, and probable date of arrival. If a letter cannot arrive in time a telegram should be sent. This will enable the Superintendent of the receiving jail to arrange to send back with the escort any prisoners destined for the transferring jail.

Convicts to
be medically
examined
and equipped
for the
journey.

524. (a) The convicts who are to be transferred shall be paraded inside the prison, and after the Medical Officer or Medical Subordinate has examined them and certified their fitness for the journey, shall be provided with all the necessary clothing in good condition, bedding and the articles of diet requisite for the entire journey (which will be in the charge of their escort); and such drinking, eating and cooking vessels as the journey may require, and shall be minutely searched in the presence of the Jailer, the search to include clothing, bedding, etc. The Jailer shall satisfy himself that they have sufficient clothing and are properly dressed.

(b) The convicts should receive a meal of cooked rations before starting and sufficient articles of food for the entire journey, or diet money should be sent with them.

(c) The question of handcuffing prisoners while on transfer rests with the police escort except convict overseers and convict warders. In the case of ‘A’ and ‘B’ Division prisoners handcuffs should be used only if they are necessary and this is a matter for the police to decide. Male prisoners may also be fettered, if required by the rules of the Police Department, but if this is done gaiters shall be provided for each prisoner to prevent abrasion of the skin.

525. When a gang consists of more than 30 convicts a jail officer shall accompany it. His duties shall be as follows :—

- (a) to provide the daily rations and arrange for the cooking of the same;
- (b) to preserve carefully the nominal and descriptive rolls, history-tickets, and other papers sent with the gang;
- (c) to receive and return safely to the jail from which the gang was despatched, the clothing, bedding, irons, etc., of the prisoners;
- (d) to be responsible for the safe custody and safe delivery of property belonging to the prisoners sent on transfer;
- (e) to take receipts from the officials of the receiving jail of all prisoners' property made over by the escort;
- (f) to use every endeavour in his power to secure to the prisoners immunity from sickness and injury, e.g., by procuring shelter for them in case of heavy rain, by keeping the gaiters of fettered prisoners well softened with oil, etc.

The police officer in command of the escort will aid the jail officer in carrying out the above duties, and when the gang consists of less than 30 convicts, will himself be responsible for carrying them out.

526. Every prisoner shall, before being transferred, be produced before the Superintendent, who shall verify all entries regarding him in the manner provided by Rule 546 and shall certify on the back of the warrant the number and date of the order directing the transfer and the date of the transfer.

527. On the transfer of a prisoner his property shall be dealt with as required by Rule 451. The Jailer of the despatching jail shall then make a list, in triplicate, of the property as entered in the Convict Register, and take the receipt of the officer in charge of the escort for the property in the counterfoil. The duplicate and triplicate forms, the former signed by the Jailer of the despatching jail together with the property, shall be made over to the officer in charge of the escort for conveyance to the receiving jail, where the duplicate list shall be retained and filed. The triplicate shall be signed by the Jailer of the receiving jail and handed to the officer in charge of the escort.

528. The following documents relating to each prisoner transferred shall be given to the officer in charge of the escort to be delivered to the Superintendent of the receiving jail :—

- (1) descriptive roll;
- (2) nominal roll;
- (3) duplicate and triplicate lists of all private property belonging to the prisoner;
- (4) list of clothing, bedding and other Government property sent with him;
- (5) a sealed packet containing the warrant with an endorsement of the date of transfer and jail to which transferred, history-tickets carefully brought up to date, remission card written up to date and (in the case of P. R. convicts) the P. R. slips of the prisoners;
- (6) a copy of the judgment in the case of prisoners sentenced to transportation.

Cases where
a jail officer
shall accom-
pany the
prisoners
and his
duties.

Procedure
prior to
transfer.

Disposal of
prisoner's
property.

Documents
to accompa-
ny pris-
oners.

Making
over of
prisoners to
the escort.

529. (1) The convicts shall be again searched before passing out of the main gate in the presence of the officer in command of the escort, who shall satisfy himself that the search is thorough, and shall then receive charge of the convicts, and shall be held responsible for their safe custody until they are again made over to the Jail Department.

(2) The officer in charge of the escort will sign a receipt for the convicts and all property (belonging to Government or to the prisoners) and documents make over to him with the convicts.

Custody of
females and
juveniles.

530. During transit female and juvenile prisoners shall, as far as possible, be separated from adult male prisoners.

When a female prisoner is transferred, a female warder shall ordinarily accompany her. The presence of a female warder does not affect the responsibility of the police for the safe custody of prisoners in transit.

Special
means of
conveyance.

531. Special means of conveyance shall be provided for the conveyance of any prisoner in whose case the Medical Officer certifies that such is necessary. Motor lorry or taxi fare shall be allowed for the conveyance of 'A' and 'B' Division prisoners. Subject to this exception, all able-bodied prisoners must travel on foot on any journey by road.

Procedure
on arrival at
the receiving
jail.

532. (1) On the arrival of the prisoners at the receiving jail, the Jailer shall receive the prisoners with all documents, and all property of Government or of the prisoners, and shall give a receipt for the same, and if there is any discrepancy, shall, after any enquiry he may think fit to make, note this on the receipt. He shall also ascertain whether the prisoners have been properly dieted and cared for *en route*. If he is not satisfied, the Superintendent of the receiving jail shall inform the Magistrate of his district or subdivision and at the same time report to the Inspector-General.

(2) The returning escort will bring back to the transferring jail any clothing, etc., belonging to that jail, the Jail Department paying for any freight or cooly hire.

Expense
of transfer.

533. The Superintendent of Police is only liable for the expenses of the escort. All expenses for the fares of prisoners, their food, and any incidental expenses, such as the transport of goods by coolies, must be borne by the Jail Department. The Superintendent shall make over rail warrants or cash required for these purposes to the officer in charge of the escort, who on return will render an account of his disbursements.

CHAPTER XXIX.

THE ATTENDANCE OF PRISONERS IN COURTS.

Part IX of the Prisoners Act, 1900, lays down the procedure to be followed when the testimony of a prisoner is deemed necessary by a Civil or Criminal Court. Sections 42, 51 and 52 of the Act empower the Local Government to make rules supplementary to these provisions. The rules contained in this chapter are made in virtue of that power.

534. On receipt of an order issued by a court of competent authority under Part IX of Act III of 1900, the officer in charge of the jail shall make a requisition on the District Superintendent of Police for an escort, and the District Superintendent shall supply such escort in conformity with the ordinary rules of his Department. Police to provide escort.

535. The officer in charge of such escort shall, in like manner, be guided by the rules of the Police Department in the performance of his duty and in the treatment of the prisoners under this charge. Duties of escort.

536. A convict sent in custody to a court either as a witness or as an accused person shall wear private clothing. For this purpose the private clothing of the convict retained in jail, under the provisions of Chapter XXIV of the Jail Manual, or tendered by friends or relatives, shall be issued to him before proceeding to, and withdrawn on his return from court daily. When no such clothing is available in stock the Superintendent shall provide clothing of a kind suitable to the class to which the convict belongs. Prisoners not to be sent to Court in jail clothing.

537. (1) Whenever the court and the jail are in the same station, the prisoner shall be taken from the jail to the court and back daily, until his attendance is dispensed with. On every day he attends the court he shall receive the full jail ration, and shall be allowed to take his midday meal with him for consumption at any convenient hour. When court and jail in one station.

(2) The Jailer shall obtain a receipt from the officer in charge of the escort for the under-trials sent to court.

538. (1) All prisoners shall be taken to the court before which their appearance is required by the most expeditious route. Prisoners under sentence for criminal offences shall ordinarily travel on foot, but civil prisoners who are desirous of obtaining, and are willing to pay for, the indulgence, may be provided with suitable means of conveyance. When a railway is available, all prisoners shall be conveyed by rail under charge of the police guard. When in different stations.

NOTE—As far as possible the rules of the Jail Code relating to the transfer of prisoners shall be observed e. g., as regards diet and means of conveyance.

(2) Should there be a jail or lock-up at the place where the court before which the prisoners have to appear is held, the officer in charge of the escort shall deliver the prisoners to the keeper of such jail or lock-up, and shall not be responsible for their custody while they are in such jail or lock-up, but shall only be responsible for their custody while escorting them thereto and from such

CHAPTER XXX.

RELEASES.

Statutory
provisions.

Under section 26 (3) of the Prisons Act, 1894, no prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

Superintend-
ent of Police
to ask jail to
supply re-
lease notices
and P. R. R.
slips.

544 (1). On the 1st and 16th of every month the Superintendent of Police shall send to the jail for the release notices in the prescribed form of all prisoners convicted in cognizable cases who are to be released during the second half of the month and the first half of the following month, respectively. With these notices shall be given a list of the prisoners who died in the preceding fortnight. In the case of police registered prisoners, it will be sufficient to fill in on the police register slips such additional information as is therein provided for, and deliver them. If any prisoner is received direct, or by transfer from another jail after submission of these notices, and his release will take place before the date fixed for the submission of the next notice, a supplementary notice should be submitted as soon as possible after his arrival in jail.

(2) When a P. R. prisoner is released before the expiry of his sentence, and there has been no time to include his name in the fortnightly return a notice of his release should at once be sent to the local Superintendent of Police.

545. The Superintendent and Jailer are personally responsible for the correct release of prisoners.

Responsibi-
lity of Su-
perintendent
and Jailer
for correct
release.Duties of
Jailer prior
to release.

546. Before a convict is released from jail, the Jailer shall :—

- (a) check the conditions of sentence given in the warrant and registers and satisfy himself of the title of the prisoner to release ;
- (b) compare the marks of identification as given on the warrant and in the jail registers with the convict ;
- (c) produce the convict with his clothing and other property, history-ticket, warrant and the jail registers of admission and release before the Superintendent.

Superintend-
ent to check war-
rant and jail
registers.

547. The Superintendent shall check the warrant and jail registers and shall satisfy himself that the sentence of the convict has been completed, or, if modified, that he has received due and sufficient authority for the modification.

Superintend-
ent to satisfy himself as
to convict's
identity.

548. The Superintendent shall cause the descriptive roll of the convict to be read out and shall satisfy himself beyond all doubt of the convict's identity. He shall then endorse the order of release on the back of the convict's warrant and initial the entries of the date of release in the release and admission registers.

549. At the time of releasing every prisoner the Superintendent shall deliver or cause to be delivered to him all money and other property (if any) belonging to him, and the convict's signature or left thumb impression shall be taken in the warrant and in the register of prisoner's property in token of receipt. The Superintendent shall satisfy himself that the convict has received all his private property and shall countersign the property entry in the warrant and in the register of prisoner's property. Property to be delivered.

550. The Superintendent shall supply every convict whose clothing has been sold or destroyed or is insufficient for the purposes of health or decency with such clothing as he considers necessary and suitable. Convict to be suitably clothed.

551. The Medical Officer shall record the condition of health and weight of every convict on release in the admission register and in the release register. Duties of Medical Officer.

552. Every convict on release shall be furnished with a certificate to the effect that he has completed the term of imprisonment. Certificate to be given to convict.

553. Ordinarily prisoners shall be released after the morning meal. If an order directing the release of a prisoner reaches the prison after sunset or after the hours when according to the prison rules the prisoners are shut up for the night, the prisoner shall not be released till the next morning. Hour of release.

554. A convict whose release falls due on Sunday shall be released on Saturday; but a civil prisoner, entitled to his discharge on failure of diet money, must be released on a Sunday if the first of the month falls on that date. When release is due on Sunday.

555. The Superintendent shall not release any prisoner on the authority of any informal document. Release orders duly signed by the presiding officer of the court and impressed with the court's seal shall alone be acted upon. Such orders shall contain full particulars in regard to the prisoner to be released. Releases to be made only on proper authority.

556. No prisoner shall be released on the authority of a telegram, save in the case of telegrams despatched by a Secretary to Government or by the Registrar of the High Court. Cases when release may be made on a telegraphic order.

557. The following rules apply to gratuities which must be paid at the time of release:—

- (1) Prisoners received from jails of other provinces are entitled to earn gratuities from the time they are admitted into an Assam Jail.
- (2) Prisoners of 'C' Division sentenced to terms of imprisonment exceeding one year, whose conduct has been good, and who have not received any of the gratuities prescribed for convict officers and expert workmen, shall, on release from jail, be allowed gratuity at the rate of two annas for each month of confinement in jail.
- (3) Convicts of the same class, who, owing to unsatisfactory conduct, have failed to earn any gratuity, shall be allowed, on release, a bonus of Re. 1.
- (4) Sick or elderly indigent prisoners, irrespective of their sentences, shall be allowed a bonus of Rs. 2.

Provided that prisoners under sections (3) and (4) above do not already possess more than Rs. 2 in deposit as their personal cash.

- (5) Neither gratuity nor bonus shall be given to "A" and "B" Division prisoners.
- (6) Convict night-watchmen, convict overseers and convict warders who perform their duties to the satisfaction of the Superintendent, shall be granted gratuities, payable on release, at the rate of annas two, annas four and annas eight, respectively, for each month of such employment.
- (7) A special gratuity not exceeding 4 annas per mensem may be granted to every convict for expert workmanship and for teaching any handicraft.

Payment of
diet money.

558. The following shall be the scale of diet money for "A", "B" and "C" Division prisoners who have no money besides the gratuities or bonuses granted under the rules:—

- (a) no allowance when the distance to be travelled by road is five miles or under;
- (b) four annas a day for every fifteen miles or part thereof travelled by road or boat, but "A" and "B" Division prisoners may be granted diet money at the rate of eight annas a day if they are unable to pay for their own diet and if they apply for the same to the Jail Superintendent;
- (c) four annas a day for each day's journey beyond twenty miles by rail.

Journey
by rail or
steamer or
boat.

559. In addition to the aforesaid diet money, the Superintendent shall give every convict whose house is on or near a line of railway or steamer route and at a distance of more than five miles from the jail from which he is released, a pass on the credit note system to the station nearest to his destination, unless the convict has enough money of his own to pay for his railway or steamer fare. The ticket shall be third class, unless the Superintendent considers that the status of the convict makes it desirable that he should receive an intermediate class ticket.

Where the journey has to be made by boat, boat hire of 4 annas a day shall be given.

Special
conveyance
by road, in
cases of
medical un-
fitness.

560. Released prisoners who are certified by the Medical Officer to be unfit to travel on foot owing to illness or physical infirmity shall be furnished with cart, motor-lorry or taxi hire for the journey they have to perform by road.

Release of
military
prisoners.

561. Military prisoners shall be released from the jails in which they happen to be confined, and provided with third class railway tickets to the stations nearest their homes and subsistence allowance.

Release of
female pri-
soners.

562. Any female prisoner who is a resident of another district or subdivision to that in which she is confined shall be transferred within a week before her release to the jail nearest her home.

When her home is at some distance from this particular jail, a notice shall be sent one month before her release to the Magistrate of the district concerned asking him to intimate to the woman's relatives the date of such release, and request them to receive her at the jail gate. If no relatives appear or if she is under 25 years of age, she should be sent to her home in charge of a female warden or of a respectable woman entertained to escort her.

563. All juvenile convicts will, on release, be escorted to their homes by the police. Superintendents of Jails will send notice of the release of such prisoners to the Superintendent of Police one day previously. The subsistence allowance granted to such prisoners will be made over to the policeman who escorts them home.

564 (a) The Superintendent shall forthwith, after the execution of every writ, order or warrant by which a person has been committed to prison, other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the court by which the same was issued or made, together with a certificate endorsed thereon and signed by him, showing how the same has been executed or why the person committed thereby has been discharged from custody before the execution thereof.

(b) When a convict has to undergo two or more sentences under different warrants each warrant shall be returned to court at the expiry of the sentence to which it relates. The form of endorsement on all but the last warrant will need modification to the effect that the prisoner is being detained on another warrant.

(c) The warrant of a prisoner who dies in jail shall be returned to the court forthwith with an endorsement certifying to the date and cause of death.

565. The following rules regulate the release of "police-registered" convicts:—

(1) A police-registered convict is a convict with a police history-sheet for whom a P. R. slip is prepared and forwarded by the Superintendent of Police to the Superintendent of the Jail in which such convict is confined for attachment to his warrant. Each slip states the jail from which he is to be released. Convicts who are to be transferred before release to the jails of their native district shall be described in the admission and release registers and on the warrant as P. R/T. convicts. Convicts who are not to be transferred before release will be described as P. R. convicts. Either of those two classes may include prisoners in respect of which the sentencing court may have recorded an order under section 565 of the Criminal Procedure Code, and such shall be shown in the registers and warrants as P. R./565 or P. R. T./565 prisoners respectively.

(2) The Jail Superintendent shall, in each case, furnish the Superintendent of Police with a receipt for the P. R. slip.

Rules for
release of
police-regis-
tered con-
victs.

- (3) The numbers and names of P. R/T. and P. R. T./565 prisoners should be noted in red ink in the release registers six weeks before the date of probable release, any remission likely to be earned being taken into account.
- (4) Six weeks before the impending release of a P. R/T. prisoner his P. R. slip with the probable date of release shall be sent by the Superintendent of the transferring jail to the Superintendent of the receiving jail who shall immediately forward it to the Superintendent of Police for information.
- (5) One month before the expiry of their substantive sentence prisoners referred to in the preceding sub-rule shall be transferred to the jails notified in their P. R. slips.
- (6) In cases in which the original substantive sentence of a P. R/T. prisoner whose district is situated in Assam is less than one month the transfer should be arranged as soon after his admission as possible.
- (7) A P. R/T. prisoner convicted in Assam who is a resident of a Native State, shall be transferred to the jail in British territory nearest his home and this procedure should also be observed in the case of a prisoner sentenced in a Native State and transferred to undergo imprisonment in a jail in Assam.
- (8) If owing to illness or other cause a police-registered convict cannot be transferred as aforesaid the Superintendent of the Jail shall send the P. R. slip together with a statement of the fact and reason to the Superintendent of Police of the district in which the convict was to have been released, a copy of the letter being sent to the local Superintendent of Police. If the prisoner subsequently becomes fit for transfer in time to allow of his reaching the jail of his district before his release is due, he shall then be transferred. If when only ten days of his sentence remains to be served, he is still unfit for transfer, his release notice (rule 544) should be sent to the local police with a note of the fact on it. If such prisoner cannot be transferred he should be made over to the local police on the date of his release.
- (9) In the case of the death or escape of a police-registered convict, the Superintendent of the Jail shall send information thereof to the Superintendent of Police.
- (10) Superintendents of Jails shall, not later than the first week of each month, send to the Special Superintendent of Police, in charge of the Criminal Investigation Department, direct, after filling in the release portions, the duplicate P. R. slips received from the police and marked in red ink for the Criminal Investigation Department, relating to prisoners who are due for release in the following month, so that on receipt of the intimation the Criminal Investigation Department may arrange for photographing, before their release, all convicts whose criminality extends beyond their native districts. The rules of the Police Department require

duplicate P. R. slips to be issued in the case of persons convicted of offences under sections 395, 396, 397, 399, 400, 401, 402 and 412, Indian Penal Code, and other inter-district and inter-provincial habitual criminals who are likely to revert to crime after release, one being marked in red ink "for the Criminal Investigation Department."

NOTE.—References : Rule 544 of Jail Manual and Rule 132, Part IV, Assam Police Manual, 1931.

566. The following rules have been framed by the Local Government under section 565, Criminal Procedure Code :—

I.—An order passed under section 565 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall be notified to the Superintendent of the Prison by the attachment of a copy of it to the warrant issued under section 383.

II.—A convict against whom an order has been passed under the Code of Criminal Procedure, 1898 (Act V of 1898), section 565 shall, fourteen days before the date fixed for his release, give to the Superintendent of the Prison, in which he is confined, a true statement of the place in which he intends to take up his residence after his release. Such statements shall be taken down in writing, and shall be read over to the convict and signed by him in the presence of the Superintendent of the Prison, who will countersign it. The three following rules shall be also clearly explained to the convict before he leaves the prison ; he shall be told for what period he is required to observe them, and a copy of them in his mother-tongue shall be given to him.

III.—If the convict after release does not within ten days take up his residence in the place mentioned in such statement he shall attend in person at the police station or outpost nearest to the place in which he has taken up his residence, and notify to the officer in charge his place of residence.

IV.—If, after residing in any place, the convict desires to change his residence, he shall attend in person at the police station or outpost nearest to his place of his residence for the time being, and there notify to the officer in charge the place to which the change will take place. Such information shall be given not less than two days before his departure, when he is moving to a place within the same police station, not less than five days when he is moving to another police station within the district, and not less than ten days when he is moving to another district. If, for any reason he does not, within seven days of the date on which he has notified that his change of residence will begin, take up his residence at the place notified, he shall at once notify, in the manner above set out, the place where he intends to reside.

V.—If the convict intends to be absent from his residence for one or more nights, he shall, not less than two days before his departure, similarly notify the places to which he intends to proceed, and the probable dates of his arrival at, and departure from, such places.

Procedure in
cases of re-
lease where
an order has
been passed
under section
565 of the
Criminal
Procedure
Code

VI.—In applying the foregoing rules to the case of a wandering man having no "residence" in the sense of a fixed place of abode, the place of residence shall be deemed to be the place where he sleeps, even if he remains there only one night. On his release he shall be asked under Rule II where he intends to stay and be told that, if he moves about the country, he must always notify the place of his temporary abode to the police.

Intimation
of release of
a convict
belonging to
a Native
State.

Release of
convicts
dangerously
ill or on
point of
death.

567. Prior to the release of any prisoner who belongs to or elects to reside in a Native State in India the Superintendent shall send timely intimation to the Resident of the Native State.

568. (a) The Superintendent may recommend for release a convict suffering from disease, provided that:—

- (i) the disease is likely to prove fatal if the convict remains in prison;
- (ii) there is a reasonable chance of recovery if the convict be released;
- (iii) the disease has not been produced or aggravated by any wilful act on the part of the convict;
- (iv) the Medical Officer recommends the release and certifies to conditions (i), (ii) and (iii);
- (v) the disease is likely to prove fatal and the Medical Officer certifies that there is no chance of recovery within or without the jail and recommends release. In such cases releases will be counted as deaths in jail returns;
- (vi) the District Magistrate has no objection to the release of the convict;
- (vii) the convict has relations or friends to look after him if released.

(b) The Superintendent shall submit the case to Government in the prescribed form in duplicate through the Inspector-General, unless the convict is undergoing imprisonment in default of furnishing security under section 123 of the Code of Criminal Procedure, 1898, when the case should be referred to the District Magistrate under section 124 of the Code of Criminal Procedure, 1898.

(c) In the case of a prisoner recommended for release whose unexpired portion of sentence does not exceed six months and whose case is urgent, the District Magistrate may act in anticipation of the orders of Government but such prisoner shall be informed that his liberation is conditional on the sanction of Government being obtained and that if such sanction be withheld, he shall return to jail to serve out the remainder of his sentence. The prisoner's friends shall be sent for and a security bond taken from them before he is released that they will give him up if required to do so.

Release of
blind or de-
crepit con-
victs.

569. In special cases of mental or physical infirmity which would incapacitate a prisoner from the commission of crime on release, the Superintendent after consultation with the District Magistrate concerned shall submit a report in the prescribed form to the Inspector-General who will, at his discretion forward the case to Government for orders.

570. (a) In urgent cases where the Superintendent of a Jail at Transfer for district or subdivisional headquarters considers that on account of dangerous illness requiring an emergent operation or special treatment which is not available in the jail concerned, a convict or under-trial prisoner should be transferred immediately to the civil hospital, he is authorised to do so, but should report his action immediately to Government through the District Magistrate and at the same time to the Inspector-General of Prisons.

(b) If the case is not likely to involve detention in the civil hospital for more than 48 hours, the Superintendent of the Jail concerned will arrange, if necessary, with the Deputy Commissioner, Subdivisional Officer or Extra Assistant Commissioner in charge (as the case may be) for a police guard from the time of the prisoner's removal from jail till his (or her) return. All expenses incurred by the hospital authorities will be borne by the Jail Department at the same rate as is charged for a police case. The period spent outside jail will, in the case of a convicted prisoner, be reckoned as part of the sentence.

(c) If the case is likely to involve detention in the civil hospital for more than 48 hours, the Superintendent will record a full statement of the case and forward it—

- (i) where the prisoner is a convict, to the Inspector-General, for the telegraphic orders of Government for the temporary release of the prisoner under section 401, Criminal Procedure Code, subject to the conditions laid down in the prescribed form, or
- (ii) where the prisoner is an under-trial prisoner to the Court issuing the warrant for his custody.

This form shall be in English and in the vernacular of the district. The prisoner shall sign two copies of which one will be retained in the jail and the other delivered to him on his release for production before the officer in charge of the hospital where he is to undergo treatment, and again on his discharge from the hospital, before the Superintendent of the Jail in which he was originally confined. Before removing the prisoner, the Superintendent of the Jail shall make necessary arrangements for sending him to the hospital for treatment. The prisoner shall be provided, if necessary, with railway warrants for his journey to and fro, subsistence allowance and cart hire. The railway warrant, subsistence or any other allowances for the return journey, may be sent to the officer in charge of the civil hospital to be delivered to the prisoner on discharge. The prisoner shall be supplied with private clothing on release to be withdrawn on his re-admission. If the Medical Officer considers the case so serious as to require an attendant, to accompany the prisoner to hospital, the Superintendent shall provide a proper attendant. A female prisoner shall be provided with a female attendant.

The Superintendent may transfer a prisoner to a civil hospital in anticipation of the sanction of Government when he considers immediate transfer absolutely necessary in order to conduct a surgical operation or otherwise, but in that case he will make the same arrangements for a guard while in hospital as in (b) pending receipt of the orders of Government for conditional release.

The Jail Department will not be liable for expenses incurred by the hospital authorities subsequent to the date of conditional release. The period during which a convicted prisoner is on conditional release will not be reckoned as part of his sentence.

571. (1) The Superintendent shall submit to Government through the Inspector-General, nominal rolls in duplicate of all life-convicts and of all convicts sentenced to more than fourteen years imprisonment or transportation, or to transportation and imprisonment for terms exceeding in the aggregate fourteen years, when the term of imprisonment undergone, together with any remission earned under the rules, amounts to fourteen years. The nominal roll should be submitted three months before the expiry of this period of fourteen years. The condition of health of the convict should be noted in the column of remarks, and the Superintendent may submit any remarks as to the convict's conduct in prison, and his fitness for release.

General. (2) Orders for the conditional release of a prisoner will be sent in duplicate to the Inspector-General of Prisons, for transmission to the Superintendent of the Jail. On receiving the orders, the Superintendent will explain the conditions to the prisoner, and require him to sign or put his thumb-mark to the endorsement in the form in token of his acceptance. If the prisoner accepts the conditions the Superintendent will, if the prisoner is to be released from the jail in which he is confined, fix the date of release and forward one copy of the Government order together with the ordinary release notice to the Superintendent of Police. The date of release should be either the day on which the term of 14 years' imprisonment will be completed or 14 days from the day on which the prisoner accepts the conditions of release, whichever is later. If the prisoner is to reside in a district other than that in which he is imprisoned he should be transferred as soon as possible to the jail of that district.

(3) The Superintendent is not authorized to detain in jail any convict who is not a life-convict after he has earned such remission as entitles him to release.

CHAPTER XXXI.

GUARDING AND ARMOURY.

SECTION I.

Guarding.

572. The main principle to be observed in guarding a jail is that every prisoner shall at all times, both by day and night, be in charge of some responsible officer whose responsibility for an escape resulting from negligence can be proved in a Criminal Court. To effect this, a record of the names of the prisoners made over to each officer shall be kept in a gang-book, and every subsequent change of a prisoner from one gang to another shall be recorded therein; also at every change of guard, a Head Warder shall be present to witness and verify the number of prisoners made over to the relieving officer.

Every prisoner by day and night to be in charge of some responsible officer.

573. For day work the whole of the Head Warders and warders on the establishment, excluding the gate warders, shall ordinarily be divided into two squads. The first squad shall come on duty at the opening of the wards.

Division of warders for day duty.

574. During the day time, when prisoners are moving about the jail, the outer walls of the jail shall be watched by convict officers patrolling inside.

During day convict officers to watch the outer walls.

575. Immediately before the opening of the wards the Jailer with his assistants and all the Head Warders and warders who are to be on duty in the morning shall enter the jail together.

Jailer and warders to be on duty at morning opening of the wards.

576. The Jailer, if necessary with the Assistant Jailer, shall then let out of their wards the convict warders and overseers and the gang of watchmen who are to watch the jail walls during the first turn of duty. One of the Head Warders shall take these convict watchmen to the latrine and then shall post them round the jail walls.

Jailer to let out the convict officers before other prisoners.

577. When the Head Warder has reported that the wall guards are posted, the wards shall be opened, and the prisoners counted out in pairs in the presence of the warders of the last watch and of the relieving day warders who are to take charge of the prisoners during the morning parades. The number counted out shall be carefully verified by the Jailer by comparison with the lock-up note book. When this is done the relieved warders of the last night-watch will be marched out of the jail.

When wards are opened prisoners are to be counted.

578. The first squad of warders and convict officers shall be relieved at noon by the second squad, which shall be brought in by the Head Warder for the second turn of day duty, and shall remain in charge until all prisoners are counted into the wards and locked up at evening, at which time the night patrol shall come on duty.

First squad of warders to be relieved at noon.

579. Temporary warders shall not ordinarily be employed in charge of outside gangs.

Temporary warders shall not ordinarily be employed for outside gangs.

Prisoners
to be locked
up in pre-
sence of first
night patrol.

Custody of
jail keys.

Hours of
night
watches.

Convict
warders how
to be distri-
buted.

Locking up
of convict
warders not
on duty.

No warder
or convict
officer to
leave his
post until
relieved.

580. After completion of the afternoon parades the first night patrol shall be brought in by a Head Warder, and the Jailer, if necessary assisted by his Assistant Jailer, shall count the prisoners into their wards, respectively, in presence of the warder or convict officer who is to take charge of each ward for the first watch. When all are locked up, except the convict warders who are to take part in the first watch, the total number of prisoners shall be verified.

581. In all jails there shall be provided between the gates a strong keys cupboard containing a sufficient number of hooks for all the keys of the jail; the doors of the cupboard shall be of expanded metal. The Jailer shall have all the keys of the jail save the cells keys placed in this almirah, each on its own hook. Having satisfied himself the number is correct, he shall lock the cupboard and retain the key. During the day time the key will remain in the possession of the senior Head Warder or the senior warder on duty. On no account are any keys other than that of the keys cupboard to be removed from the jail. The numbers of prisoners and of keys shall be noted in the lock-up report, so that the officer in charge of each watch may satisfy himself that he receives the correct number of both.

582. In respect of larger district jails the night shall be divided into five watches, *viz.*, from 6 P.M. to 9 P.M., 9 P.M., to 11 P.M., 11 P.M., to 1 A.M., 1 A.M., to 3 A.M., 3 A.M., to 6 A.M., but in smaller district jails the number of watches shall be four instead of five, *i.e.*, (1) from lock-up to 9 P.M., (2) 9 P.M. to 12 midnight, (3) 12 midnight to 3 A.M. and (4) 3 A.M., to opening of wards. The Head Warders and gate-keepers or a senior warder shall do the patrolling duty. The hours of duty and number of night sentries shall be adjusted by the Superintendent of Jail in such a manner as he may deem fit.

583. When any of the paid guards are on leave the convict warders, if available, shall take their places, but they shall be distributed over all the watches, and shall not all be on duty during one watch. When, as in Central Jails, there are more wards to be guarded than there are warders, the spare convict warders shall be employed in guarding those buildings for which there are no paid warders available; but they must be so distributed that every convict warder shall be under the eye of a paid warder, who shall be held responsible for seeing that he patrols properly. Convict officers shall not be employed to guard prisoners condemned to death, or prisoners in huts outside the jail walls except in health camps.

584. Convict warders when not on duty at night should be locked up together in a separate ward from other prisoners. These shall be let out and locked up before and after their turn of duty by both the relieving Head Warder and the Head Warder or patrolling officer to be relieved.

585. No warder or convict warder in independent charge of a gang shall leave his gang on any account whatever without first being relieved by a Head Warder, who, in case such officer's presence is required by the Superintendent or other superior officer, or in case of sickness, shall place some other warder or officer in charge. No prisoner shall on any account be allowed to leave his work or place without permission; and if he has to be sent to any other part of the jail he shall be accompanied by a convict overseer or other responsible

586. During the night the watch must patrol round the outside of the barrack or barracks of which they respectively have charge, at a smart pace and shall on no account sit down or quit their beat. They shall be always on the alert, each shall have his great-coat and an umbrella in wet weather, and no warder shall seek other shelter from the weather either by day or night. (No sentry boxes shall be allowed inside the jail). They shall each be armed with a baton and carry a lighted lantern; they shall frequently examine the gratings and doors and see that they have not been tampered with. They shall look inside the wards, if possible, to see that prisoners are in their proper places and that the convict watchmen are alert, not sitting down, or shall frequently challenge them and make them report the number of prisoners if they cannot see them.

Duties of
the night
patrol.

587. A roster showing the turns of duty of each warder and convict warder shall be prepared every week by the Jailer or under his orders, and posted up in the guard-room. If it should be necessary to change any warder's turn of duty in the course of the week, the change must be noted on the roster. Each warder's beat should be changed every night, and no warder shall be informed beforehand on what beat he will be put. A record shall be kept, in the lock-up report-book, of the officers put on each beat in each watch. Of the warders off duty half shall always be on the jail premises ready for any emergent duty. Any warder not present during his turn of duty shall be liable to fine or dismissal.

A weekly
roster of
those on
guard duty
to be pre-
pared.

588. (1). There shall be a special system of watch by convict overseers and watchmen in each ward, the changes of watch to correspond with the change of the warder watch. In cases where the wards require exceptional precautions or are of unusual length, there shall be two or more watchmen on duty at one time. These convict officers whilst on watch shall keep moving inside the wards, and shall prevent any prisoner leaving his place or committing any breach of prison discipline, and also satisfy themselves, by counting, that all the prisoners in their charge are safe. On change of watch both the relieving and relieved convict officers shall report to the patrol or other duly authorized official the number of prisoners made and taken over. In case of any important occurrence the convict officer on watch shall give immediate notice to the patrol, who shall summon the Head Warder in order that he may make enquiry into the matter and take such action as he considers necessary.

Duties of
convict
officers inside
a ward.

(2) So far as possible, it is desirable that convict overseers and convict warders should not have admittance to the under-trial ward. Endeavour should be made to maintain watch and guard from outside the ward and to appoint a respectable undertrial as a monitor inside the ward.

589. On the prisoners being locked up for the night, the jailer shall, with the assistance of the Head Warder, arrange for the hours of watch for each convict watchman, noting the hours in the lock-up note book. The names of the prisoners told off for duty, and their hours of duty, should also be written up every evening on a black board and suspended in the ward, and each man should be informed at the evening parade at what hour his watch shall begin and end.

Jailer to
arrange ro-
ster of con-
vict night
watchmen.

Placing of
he night
posts.

590. The night posts must be so placed as to command the whole enclosure of the sleeping barracks of the jail, and render it impossible for any prisoner to escape without being observed, even on a dark night, except through negligence on the part of the sentries.

Walls to
have lights.

591. Lights should be placed on such parts of the walls as cannot in a dark night be clearly seen by the sentries.

Lights in
side the
wards.

592. One or more kerosene lamps or other light according to the size of the ward suspended from an iron rod eight or nine feet from the ground shall be kept burning in every sleeping ward. All warders shall be instructed in the proper management of the lamps in use. The use of naked lights is prohibited.

Duties of
night patrol
as regards
the wards.

593. It is the duty of the patrolling officers and of both the warders and convict watchmen to see that all the night lamps are kept burning brightly. Any prisoner wishing to visit the night latrine must obtain the permission of a convict officer who will next morning report any prisoner who uses the latrine for defaecation. In case of apparently serious sickness the matter shall be at once reported to the sentry and to the patrolling officer, Head Warder or warder as the case may be.

Duties of
head or se-
nior warder
at night.

594. The Head Warder or senior warder on patrol duty at night shall move about inside the jail visiting the sentries, convict warders and convict watchmen during the whole time of his watch. He shall keep the lock-up report book with him, and both on taking over and giving over charge shall see that the wards and cells are secure, and that the correct number of prisoners is reported to be in custody in each ward. It follows, therefore, that when changing guard at night both the relieving patrolling officer and the one to be relieved shall verify the numbers, see to the security of the wards and change the guards in company. He shall keep the key of the wards and of one of the locks of the inner main gate wicket attached to his person by a chain. In case of serious sickness he shall give notice at once to the Sub-Assistant Surgeon, and, if ordered by him to do so, shall remove the sick prisoner to hospital. Should any irregularity either on the part of warders or prisoners occur, he shall at once enter the circumstances in the lock-up report-book for report to the Superintendent or Jailer next morning. Immediate notice to the Jailer shall be given of any occurrence requiring prompt action on the part of a higher authority, such as, attempt at escape, riot, fire or serious sickness. A quarter of an hour before the expiry of his term of watch he shall go to the guard-house and awaken the patrolling officer who is to relieve him, and having done so shall at once return to his duty inside the jail. He shall see that the main gate sentry is standing at his post between the gates, that he is on the alert, and that both gates are kept closed and locked. Punctually at the hour for change of watch the patrolling officer who is to take the next watch shall bring in the relieving warders. The patrolling officer shall frequently search the warders between the gates on entering and leaving the jail. In larger jails the Superintendent may arrange that the patrolling officer shall be assisted in performing the change of guard by senior grade warders. In small jails where the number of warders is limited and a separate gate warder cannot be posted an arrangement shall be made to lock

the gates from both inside and outside, so that when the patrolling warder leaves the gate he shall lock the gate and carry the keys with him.

595. No warder shall, while on duty, at any time, under any circumstances, on any pretext leave his post or absent himself from duty until relieved in due course and released from duty.

Provided that he may leave his beat to prevent or to assist in subduing a disturbance taking place within his sight when he is on patrol duty or when he is in charge of prisoners, if he can do so without serious risk of the safe custody of these prisoners. If the warder concerned fails to do all in his power to prevent an escape or to assist in subduing a disturbance taking place within his sight, it rests with him to show that the circumstances were so exceptional as to justify his abstaining from preventing such an escape or refusing to assist in subduing such a disturbance.

596. When it is necessary to let out some of the cooks before dawn to prepare the early morning meal, the Head Warder of the last night watch shall let out the necessary number and put them in charge of a paid or convict warder. Only prisoners with short unexpired sentence should be selected for this work.

597. The night sentry at the main gate shall be posted between the gates as a precaution against surprise either from within or without, and he shall keep the key of the second lock of the inner gate wicket as well as those of the outer gate in his possession. He shall not permit any person to enter or leave the jail until he has satisfied himself by examination with his lantern that the person is an official duly authorised to visit or leave the jail at night, and he shall not permit any warder to enter or leave the jail except in company with the patrolling officer on duty. The officers authorised to visit the jail at night are the Magistrate, official and non-official visitors, Superintendent, Jailer, Assistant Jailer, Head Warders on duty and the patrolling warders in the charge of the Head Warders; also the Medical Officer and his subordinates. He shall not loudly challenge any person presenting himself at the main gate, or give notice to the Head Warder or warders within the approach of any visiting officer; being posted behind a barred gate he can ascertain in safety whether the person has any business at the jail or not.

598. Should it be necessary to open a ward at night to take out or admit a prisoner, previous to unlocking the gate or door a chain should be so attached to the doors, or to the door and door post, as to prevent the admission and exit of more than one person at a time; this procedure will render futile any combined attempt to break out through the doorway when the door is opened. The Jailer himself shall be present on all such occasions.

599. The Jailer and Assistant Jailers shall go round the jail on different nights and at different hours at least once a week, and at smaller district jails twice a week, each on different nights and at different hours, and see that convict watchmen and guards are on the alert, that the patrol is properly maintained and that the prisoners, are quiet. The night and hour of visit should not be known beforehand, but should be subsequently recorded in the Jailer's report book. The

Circumstances under which a warder may or is bound to leave his beat.

Duties of night sentry at the main gate.

Precautions in opening a ward at night.

Surprise visit at night by Jailer and Assistant Jailers.

Superintendent shall also visit the jail after lock-up at least once a month to see that these rules are carried out and shall note the visit in the Superintendent's minute-book.

NOTE.—Officers visiting the jail at night should occasionally do so shortly before the time for change of watch to ascertain that the patrolling officer does not leave the jail sooner, and remain out longer, than is necessary, on the pretence of going to wake up the next watch.

Salute by
gate sentry.

600. On the approach of the Superintendent of the Jail, the Inspector-General of Prisons, the Magistrate of the district, or any official or non-official visitor of the jail, the sentry is to stand ready, facing to his proper front, and to present arms when any such officer passes in front of him.

Jailer responsible for
watch and
ward ar-
rangements.

601. The Superintendent of the Jail is at liberty to arrange for any patrol within the jail premises at night of which the strength of the jail guard will permit, and to appoint a definite beat and give definite instructions to such patrol; but ordinarily the Jailer will take what measures are necessary for the watch and ward of the barracks and will be responsible for any escape from them into the yards.

Additional
guard for
emergency.

602. In case of emergency, such as unusual sickness, riot, etc., when an additional guard is immediately required for a jail and cannot at once be locally arranged, the Superintendent of the Jail, pending arrival of relief from the jail to which his jail is affiliated for the purpose, shall communicate through the District Magistrate or the Subdivisional Officer, as the case may be, with the local police authorities requesting them to supply at once the requisite number of extra guards who should be relieved as soon as possible on arrival of the relief or by provision of extra warder guards.

In case of non-compliance with any such requisitions, the matter should at once be reported to the Inspector-General.

SECTION II.—ARMOURY, ARMS, DRILL.

The Armou-
ry and its
equipment ;
distribution
of arms ;
respon-
sibili-
ty of Head
Warder.

603. (a). A special room near the main gate to be called the armoury shall be set apart for storing the arms, ammunition, etc. In the absence of an armoury these stores shall be kept in the guard room. Muskets shall be secured in racks by a bar or chain going through the trigger guards which shall be kept locked, the key being kept with the Head Warder in charge of the armoury and the Jailer. Ammunition shall be kept in a suitable locked wooden box fastened to a post with iron chains. The keys in duplicate of the box containing ammunition shall be kept one by the Head Warder in charge and one by the Jailer. In order to diminish the possibility of improper access to the armoury, the duplicate keys shall be enclosed in a cover of stout cloth sealed in such a way that they cannot be used without breaking the seal.

(b) The Head Warder, who shall primarily be held responsible for the safe custody of all the arms, ammunition, etc., shall inspect them daily, and see that they are always kept clean, in good order, properly arranged and ready for immediate use.

(c) A musket and accessories with bayonet, bayonet scabbard and frog, and a belt with two ammunition pouches, one (back) containing 5 rounds buckshot ammunition and the other (front) not less than 5 rounds of blank cartridges, shall be provided for every warder who acts as sentry over the main gate.

(d) Every firearm is numbered. Every arm shall have a special place assigned to it in the armoury, and shall be placed in the special care of the officer for whose use it is intended, and who will be held responsible that such arm and its accoutrements are always kept clean and in a serviceable condition. A list showing the number and name of each officer, the number of his firearm, and the various arms and accoutrements for which he is responsible, shall be kept by the Head Warder and posted up in each armoury.

(e) The bayonets and ammunition pouches shall be slung on the belts and together with the rifles to which they belong shall, when not in use, be kept each in its special place in the armoury ready for immediate use.

(f) The scale of ammunition sanctioned annually for the use of jail warders is as follows :—

For practice (annually)—

Warders—40 rounds spherical ball and 50 blank.

For service (annually)—

Warders—30 rounds buckshot.

(g) The ammunition not in the pouches shall be kept in the armoury and in charge of the Head Warder. A register shall be maintained by the Jailer, with the help of the Head Warder, if necessary for arms, ammunition, etc., which shall be accounted for. This account shall be opened with the balance of each kind of ammunition in hand. The receipts and issues shall be entered in order of date as they occur. The account should be balanced every month, and the balance carried forward. The Superintendent shall submit a return on the afternoon of every Saturday, showing the present state of arms, accoutrements and ammunition.

604 (a) Indents in quadruplicate for ammunition, etc., shall be submitted to the Inspector-General of Prisons in the prescribed form on the 1st March of each year. In preparing such indents, ammunition in stock should be deducted from the total requirements calculated on the scale laid down in rule 603 (f) and the difference should be indented for. Indents for ammunition will only be complied with :—

- (1) when the demand is within authorised limits, and
- (2) when an equivalent number of empty cases (metal) is returned or (in the case of paper cartridges) accounted for.

Oil for cleaning muskets can be obtained on indent from the Allahabad Arsenal.

(b) Empty metal cases shall be returned to the officer in charge of Ordnance Depôt, Fort William, Calcutta, but not empty paper cartridge cases which must be burnt in the presence of the Jail Superintendent who should certify on the delivery voucher as to the number so destroyed.

(c) Service ammunition which shows signs of deterioration (*i.e.*, has a green appearance round the caps and rust on the base discs) shall be returned to the Arsenal.

(d) Before returning empty cartridge cases, Superintendents shall cause every package to be most carefully examined, and all loaded cartridges, whether balled or blank, which may be discovered, removed prior to their despatch to the Fort William Ordnance Depôt. This precaution is never, under any circumstance, to be dispensed with.

(e) When returning arms, ammunition or empty fired cases to the Arsenal the following procedure shall be observed :—

- (i) The articles shall be packed securely in a strong box.
- (ii) Each box shall be clearly sealed, the seal being countersunk to avoid being broken in transit.
- (iii) The gross weight shall be marked on each box.
- (iv) The address of the Arsenal shall be clearly marked on each box.
- (v) The name of the jail of despatch shall be marked on each box.
- (vi) The voucher number shall be marked on each box.
- (vii) A packing note shall be enclosed in each box.
- (viii) The voucher number shall be entered on the railway receipt or bill of lading.
- (ix) A facsimile of the seals used shall be furnished to the Arsenal except when boxes with the original seal of the Arsenal intact are despatched.
- (a) Two delivery and two receipt vouchers shall be furnished.
- (xi) A letter of advice enclosing the railway receipt (freight prepaid), facsimile of seals and the 4 vouchers shall be forwarded.

NOTE.—Under no circumstances shall loaded cartridges (including misfires) be enclosed with empty fired cases.

605. Only blank cartridges shall be used at the time of alarm parades and inspections, if necessary.

606. Ball cartridges shall be used at target practice.

607. Swords, bayonets and firearms shall only be taken inside the jail at "alarms". A warder carrying his sword, bayonet or musket inside the jail when on ordinary duty will be liable to punishment.

608. (a) Superintendents will take measures to have all warders duly trained in drill and musketry. The result of the annual musketry course should be communicated to the Inspector-General of Prisons.

Blank cartridges at parades.
Ball cartridges at target practice.

Swords, etc., not to be carried on ordinary duty.

Training in drill and musketry; rewards.

(b) All Jailors and Assistant Jailors, and the whole warder force shall undergo a thorough training in squad and company drill and in the use of the arms provided for them. Warders shall be put through an annual course of musketry practice at the police or other butts, so that they may be able to use their muskets with precision and confidence. Warders shall be drilled at the jail by Jailors, Assistant Jailors or Head Warders attached to district jails when they become efficient in drill by attending parades on police lines singly or jointly as may be found convenient and they will be required to attend the Superintendent's drill parade only once a month. On these occasions the whole warder staff not on duty together with their Head Warders and superior officers, shall be inspected by, and drilled before, the Superintendent. Practice with blank cartridge shall ordinarily take place at these inspections at least once a month. The course of ball practice at the butts shall, as far as possible, be the same as that followed by the police. It must be fully understood by all officers that no leave, except leave on medical certificate, shall be granted to any subordinate officer until he has qualified himself in drill.

In addition to the duties elsewhere prescribed in the Jail Manual, it shall be the duty of the senior available Head Warder in a district jail to—

- (i) drill all warders once a day, giving each warder at least half an hour's drill; when they become efficient in drill half an hour's training twice or three times a week shall be sufficient;
- (ii) drill, in extra time and for the time ordered, any warder punished with extra drill;
- (iii) report every warder who absents himself from drill.

(c) The Inspector-General may, during his inspections, grant rewards to Head Warder and warders for proficiency in drill and musketry. The amount of the reward in each case shall not exceed Rs. 10.

CHAPTER XXXII.

CONFINEMENT IN IRONS FOR SECURITY.

Statutory provisions.

Under section 56 of the Prisons Act, 1894, the Superintendent of a Jail, Subject to such rules as may be laid down by the Inspector-General with the sanction of Government, and if he considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, may so confine them.

Prisoners under sentence of transportation may, under section 57 of the Act and subject to any rules made under section 60, be confined in fetters for the first three months after admission to jail. Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on such prisoner for more than three months, he shall obtain the orders of the Inspector-General.

Under section 58 no prisoner shall be put in irons or under mechanical restraint by the Jailer on his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Object of the rules and importance of sparing use of them.

609. The object of the rules in this chapter is to prevent escapes and to restrict the too free movement of dangerous and violent prisoners but not as a punishment. Superintendents are expected to use their powers with discretion and to remove any irons imposed for security as soon as they consider it can be done with safety. In a well-managed jail which is under proper control there should be no necessity to employ fetters for safe custody.

Pattern of irons to be used.

610. In placing prisoners in irons in exercise of the powers conferred by section 56 of the Prisons Act, no irons of any kind other than link or bar-fetters and handcuffs of the patterns prescribed by rules 318 and 319 shall be imposed on any prisoner.

Imposition of fetters when permissible.

611. (1) Fetters shall not be imposed upon any prisoner as a means of restraint except on the specific ground that such prisoner is refractory, violent or dangerous.

(2) The Superintendent may in his discretion require all or any prisoners to wear fetters and bel-chains while confined in any place without the walls of the jail.

(3) Bel-chains shall be of secure, well-made links and shall ordinarily not weigh more than 1½ lb. to the yard. Each prisoner secured in this way shall be allowed not less than 2 feet of chain.

(4) All fetters on prisoners shall be examined daily by the senior warder and weekly by the Jailer.

Record of imposition of fetters.

612. If the Superintendent considers it necessary to impose fetters on any prisoner under the last preceding rule, he shall record in the Fetter Register (Form No. 12) the number and name of the prisoner, the class of fetters used, the dates when they were imposed, and removed, the period for which they were imposed, and the reasons which led him to consider the use of fetters necessary.

613. Handcuffs may, as a measure of restraint, be imposed on any prisoner if the Superintendent is of opinion that their imposition is necessary for the protection of the prisoner himself or of any other person.

614. No fetters shall be imposed for purposes of security on any female or juvenile prisoner, civil prisoner, or convict officer or on any prisoner who by reason of age, physical infirmity or serious illness, is in the opinion of the Medical Officer unfit to be placed in fetters.

615. Fetters shall not, without special reasons to be recorded by the Superintendent in his minute book be imposed on—

- (a) any prisoner, the unexpired term of whose imprisonment including imprisonment, if any, in lieu of fine remaining unpaid, is less than six months, or in the case of prisoners employed extramurally, three months ;
- (b) any prisoner who has undergone three-fourths of his substantive sentence of imprisonment, including any period to be passed, subsequent to release, under police surveillance ;
- (c) an unconvicted criminal prisoner ; or
- (d) a convict under sentence of death.

616. Fetters imposed for purposes of security shall be removed under the orders of the Superintendent whenever he is of opinion that this can be done with safety, or on the recommendation of the Medical Officer at any time on the ground that their continued imposition is injurious to health.

617. (1) Ankle rings shall be used for purposes of security only on prisoners that have to be attached to a chain after lock-up when occupying tents and temporary buildings which are insecure. They may also be used when considered absolutely necessary on prisoners employed extramurally. Round iron of good quality and not less than $\frac{1}{2}$ inch in diameter shall be used for ankle rings and care shall be exercised that the rings are securely riveted without any roughness or projections which might cause injury. The rings should be of such a size that they cannot be drawn over the heel, but they should be capable of moving freely.

(2) All prisoners required to wear fetters shall be provided with pliable leather or cloth gaiters to prevent abrasion of the skin, and a strip of leather to suspend the fetters from the waist.

Prisoners
exempted ab-
solutely.

Prisoners
ordinarily
exempted.

Removal of
fetters.

Ankle rings.

CHAPTER XXXIII.

ESCAPES.

How alarm of escape is to be given.

618. An alarm gong or bell or drum capable of being heard throughout the jail precincts and at the quarters of the jail subordinate officials shall be kept at or near the main gate of every jail. The signal that assistance is urgently needed, owing to an escape or an attempt to escape shall be the blowing of a whistle, to be followed by the striking of the alarm gong or bell or drum.

Procedure when an escape occurs.

619. Immediately a prisoner is found to be missing, steps must be taken to sound the alarm. At the same time information should be sent to the Jailer and to the Superintendent. If the prisoner has escaped from a gang working outside the jail precincts the warder in charge will collect the remaining convicts and march them back to the main gate, sending ahead a spare warder, if available to inform the Jailer. A similar procedure will be followed if a prisoner escapes from a gang working outside the jail wall but within the jail precincts, but in this case a convict overseer may be sent to give information. If the prisoner has escaped out of the jail and may be lurking in the vicinity, the Jailer shall despatch a party of sufficient strength to search the locality, and he shall do likewise if the escape is from a gang working within or without the jail precincts.

Duty of Superintendent.

620. The Superintendent shall give prompt notice of the escape accompanied by a descriptive roll of the escaped prisoner to the nearest police station, to the nearest Magistrate, and to the District Magistrate. He shall also send immediate intimation by telegraph to the police near the prisoner's home, and if the prisoner belongs to a district other than that in which he is confined, to the Magistrate of the former district.

Report to Inspector-General.

621. A report of the escape with full particulars shall be sent, within 24 hours, to the Inspector-General.

Publication of escapes.

622. Notice of the escape of prisoners and of the rewards offered for their recapture may be circulated in any way the Superintendent may think fit or as the Inspector-General may direct.

Power to sanction rewards.

623. (1) The Jail Superintendent has power to sanction rewards, not exceeding Rs. 100 in the case of each prisoner, whether a convict or not. When special circumstances render it advisable to sanction a higher reward, application shall be made to the Inspector-General who is empowered to sanction a reward not exceeding Rs. 250 in each case. Any member of the jail staff including warders is eligible for such rewards.

(2) No rewards for the apprehension of prisoners who escape from a police escort shall be paid from the Jail Department.

Reward to prisoner preventing an

624. All cases in which prisoners prevent an escape, either by giving warning of any plot or preparation, or by seizing a prisoner attempting to escape, or otherwise shall be brought to the notice of

625. Every officer of the jail through whose assistance, Punishment or conduct of facilitating an escape, connivance or neglect an escape takes place shall be prosecuted under sections 222, 223 or 225-A of the Indian Penal Code, unless very extenuating circumstances are present, or unless the Superintendent considers the evidence insufficient to procure a conviction, when the case shall be submitted to the Inspector-General for orders.

626. (1) If the prisoner is recaptured, intimation of the fact shall be given to any officer who has been addressed under rules 620 and 621. Procedure on recapture.

(2) A recaptured prisoner may be received back into jail on his original warrant.

627. Every prisoner who escapes or attempts to escape shall be punished judicially. On no pretext shall these offences be treated as breaches of jail rules. Prisoners who escape or attempt to escape must be prosecuted judicially.

628. Prisoners who have escaped from jail or have attempted or conspired to escape may be placed in fetters, according to the rules in Chapter XXXII. Such prisoners shall wear a light iron ring securely riveted on the left wrist. They may in addition be distinguished from all other prisoners by a red cap. All remission of whatever kind earned up to the date of their conviction for escape may, with the sanction of the Inspector-General, be forfeited. Recaptured prisoners may be fettered and forfeit remission.

629. All locks used for securing wards, cells and the main gates shall be thoroughly examined daily by the Head Warder, detailed for the purpose by the Superintendent of the Jail, to ascertain that they are in good working order. Any lock out of order shall forthwith be brought to the Superintendent of the Jail for his personal inspection, and all approved locks that have become unserviceable but are repairable shall be sent to the suppliers. Locks which are not of approved patterns should only be used in places of no importance, such as the securing of the lids of water-drums or the locking of barrack lanterns or on tell-tale clock stations and such like. Any lock which is considered by the Superintendent to be beyond repair shall be destroyed in his presence. In the event of a key of an approved lock being lost or mislaid, the lock shall at once be condemned and replaced at the cost of the official responsible, the old lock being rendered useless by the Superintendent. There must be no masterkey or duplicate key save as laid down in rule 603. An account should be maintained of all locks in the jail whether in use or not in the dead-stock register, separate pages being used for approved locks and non-approved locks, respectively, and a certificate should be submitted by the Superintendent to the office of the Inspector-General on the 20th January and the 20th July of every year to the effect that he has satisfied himself that the number of locks in the jail are correct according to the dead-stock register and that no approved locks have been replaced by other locks. This certificate should be made on the half-yearly stock-taking reports submitted to the Inspector-General and the Superintendent should himself personally see every lock in the jail before signing the certificate. All entries in the original register should be signed by the Superintendent and the Jailer. Entries pertaining to lost or condemned locks should be scored.

Instruction about care of locks and keys.

out in the red ink and initialled by the Superintendent. Lever locks must not be oiled with vegetable oil, as it causes the levers to stick together and thus renders the lock easy to pick. The keys of wards, cells, godowns, or any other places of which the security must be assured shall not be put in the hands of a convict officer or of any prisoner. If convict officers are allowed to have common padlocks and keys for temporarily locking up tools or materials in their charge during the day time, the keys shall be taken from them before lock-up. In order to relieve paid warders, as far as possible, convict warders and overseers may, by day, be placed in charge of the keys of the worksheds, but these keys must be taken from them before lock-up.

CHAPTER XXXIV.

OUTBREAKS.

630. The sentry at the main gate shall give the alarm at the commencement of an outbreak or disturbance by the discharge of his rifle in the air as well as by any other means with which he is provided. Upon this signal being given, or when news of an outbreak or disturbance is otherwise received, the alarm shall be given on the bell or gong or drum near the main gate when it will be the duty of every jail official who is outside the jail to proceed at once to the guard room and arm himself under the orders of the senior officer present. This officer shall despatch a messenger to the Superintendent and Jailer, if they are absent, and to the warder lines, if necessary, to summon every available man.

Alarm to be sounded on outbreak.

631. Upon the alarm being given, the whole guard and all other officers available shall arm themselves with loaded rifles and fixed bayonets and fall in. The main gate sentry, with, if possible, the assistance of a warder or two, shall be posted between gates and unless the prisoners are actually threatening the main gate, the rest of the force available shall enter the jail and proceed at the double to the scene of the disturbance. If the prisoners are threatening the main gate, it must be defended until the guard is strong enough to enter and drive the prisoners back.

Proceedure when alarm is sounded.

632. It shall be the duty of every convict, immediately upon the alarm being given, to run at once to previously selected places of security, usually the nearest sleeping barrack, where they shall be as far as possible locked in by the warders inside the jail. Prisoners should be warned that neglect of this rule will render them liable to be treated as participating in the outbreak and to be fired on.

Duty of convicts on hearing alarm.

633. On reaching the scene of the disturbance, the guard shall proceed to quell it in such manner as the officer in command may decide, action being first directed to preventing any attempt to escape, to isolating the rioters from other convicts, and to rescuing any jail officer who may be in danger. If the disturbance is accompanied by violence to any jail official or by a combined attempt to break out of the jail, or of any yard or enclosure, the officer in command should warn the prisoners that they will be fired upon if they do not submit. If circumstances permit of the delay, this warning should be given three times, and then if there appears to be no other way of quelling the disturbance, he may open fire on the refractory prisoners, but shall stop firing as soon as they cease resistance or submit.

Method of quelling disturbance.

634. The main gate sentry and the additional warders posted between gates shall defend the main gate, and shall fire upon any prisoner attempting to force the gates after first warning him that he will be fired upon unless he desists.

Defence of main gate.

635. If the disturbance occurs within the wards, as at night, the available force shall enter the jail under arms as directed in rule 631 and shall proceed at the double to the yard gate, whence a party armed with batons shall be detached to enter the ward and quell the disturbance, the remaining force remaining at the yard gate.

Disturbance within wards.

Treatment of extra-mural gangs. 636. Gangs which are outside the jail when the alarm is sounded shall be at once collected and halted under charge of their escort until the disturbance is over, the convicts being made to sit down close together.

Rehearsal of procedure on alarm. 637. It is of importance that, if an outbreak occurs, every man should know precisely what he has to do, and with this object an alarm parade should be held once a month or oftener in each jail, at which the procedure laid down in the foregoing rules should be rehearsed as accurately and as promptly as possible. It should be especially impressed on convicts that on the alarm being given they must run at once to the assigned place of security, failing which they will be held to be taking part in the disturbance and will be liable to be fired on.

Procedure in subdivisional jails. 638. In subdivisional jails where the warder guard is not provided with firearms immediate information must be sent to the police lines if any outbreak is apprehended.

Police to co-operate. 639. Where the police lines are sufficiently near a jail for the alarm signal to be heard there, the constables stationed at the police lines shall take part in alarm parades, and if there is an outbreak they shall march to the jail to assist to quell it. The Superintendent shall make with the Superintendent of Police such arrangements as seem advisable for a concerted plan of action in the case of an outbreak.

Use of weapons against prisoners. 640. (1) Any officer of the prison may use a sword, bayonet, firearm or any other weapon against any prisoner—

(a) escaping or attempting to escape, provided that resort shall not be had to the use of any such weapon unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape ;

(b) engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted ;

(c) using violence to any officer of the prison or other person, provided that there is reasonable ground to believe that the officer of the prison or other person is in danger to life or limb or that other grievous hurt is likely to be caused to him.

(2) Before using firearms against a prisoner escaping or attempting to escape, the officer shall give a warning to the prisoner that he is about to fire on him.

(3) No officer of the prison shall in the presence of his superior officer use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.

Report to Inspector-General and enquiry by Magistrate. 641. The Superintendent shall report the facts of the outbreak or incident to the Inspector-General and shall later report the result of the inquiry held by him. He shall also request the District Magistrate to conduct an inquiry and record a judicial finding on the case of the outbreak and the conduct of the officials concerned. A copy of this report shall be forwarded by the District Magistrate to the

CHAPTER—XXXV.

ACCIDENTS AND SUICIDES.

642. (1) Whenever a sudden or violent death or a death from suicide has taken place in a jail, immediate notice shall be sent to the Superintendent and the Medical Officer, and the body shall, if life be extinct, be left in the position in which it was found pending inspection by these officers.

(2) Should it be uncertain that death has occurred, measures shall be at once taken to restore animation and for this purpose the body may be removed, immediately on its discovery, from the position in which it was found.

NOTE.—In the case of a prisoner found suspended, and if there is reason to suppose that life is not extinct, or the point is doubtful, the body shall be at once raised to relieve pressure, pending the cutting or untying of the rope, and laid gently on the ground; all measures should be taken to restore consciousness, without waiting for assistance, which however should be called without delay.

643. (1) On the occurrence of a sudden or violent death or whenever there is any doubt or complaint or question concerning the cause of death of any prisoner, a report shall forthwith be sent to—

(a) the nearest Magistrate empowered under sub-section 5 of section 174 of the Criminal Procedure Code to hold inquests,

(b) the officer in charge of the nearest police station, who is required to make a preliminary investigation.

(2) The body of the deceased prisoner shall be kept for the inspection and orders of the officer holding the inquest.

644. In the case of every death from other than natural causes, a post-mortem examination of the body shall be made by the Medical Officer, and a full report on the whole circumstances of the death shall be made by the Superintendent without delay to the Inspector-General for submission to Government. With this report shall be submitted the reports made by the Police and Magistrates, the nominal roll, copies of judgments, the report required by section 15 of the Prisons Act, and the depositions of witnesses, vernacular documents should be accompanied by an English translation.

645. Wells in jails shall be covered by a strong water-tight wooden or iron cover sloping from the centre, or other means to prevent prisoners falling or throwing themselves in. When these wells covers have trap doors in them, they shall be always kept properly and securely locked, and in the special charge of a paid warder who shall keep the key and shall always be present while the prisoners are drawing water and shall close and lock the trap door before he leaves the well.

646. Knives and tools used in worksheds and barbers' or tailors' implements shall be counted over and locked up by the warders at the close of work. Well ropes shall be properly secured or locked up. Care shall be taken that nothing that may be used for suicidal purposes is left about in the jail.

Procedure
when unnatural
death
occurs.

Intimation
to enquiring
Magistrate's
and Police
Officers.

Report by
Superintendent.

Protection of
wells.

Custody of
articles facili-
tating sui-
cide.

Custody of poisons. 647. Poisonous drugs shall not be left within the reach of prisoners. The word "Poison" in large printed characters shall be affixed to every receptacle containing any poisonous drug. All such drugs shall be kept under lock and key, and the key shall not be entrusted to a prisoner.

Precaution against drowning. 648. A strong rope and grappling irons shall be kept in the guard room of every jail, to be at hand in case of accidents in connection with the wells.

Precautions against fire. 649. (a) The attention of all officers is drawn to the great risk from fire which attaches to all thatched and wooden buildings.

(b) At one or more selected places within the jail enclosure near a water-supply properly organised fire-stations shall be established where the necessary fire equipment can be maintained for use when fire breaks out. Buckets, platforms and ladders will be supplied by the Public Works Department. Any supplementary articles required e.g., *ghurrabs*, should be purchased by the Jail Department.

(c) Each Superintendent shall draw up instructions adapted to his jail, showing precisely the respective duties of all members of the jail establishment on an alarm of fire being given, and he shall occasionally hold fire-drill practice.

CHAPTER—XXXVI.

MEDICAL ADMINISTRATION AND HOSPITAL MANAGEMENT.

Section 37 of the Prisons Act, 1894, requires that the names of sick prisoners shall be reported without delay to the Jailer, and by him to the Medical Subordinate. The Jailer shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting the treatment of any such prisoner. Under section 38, directions of this nature shall be entered day by day in the prisoner's history-ticket or in such other record as the Government may direct, and the Jailer shall record the action he has taken upon them.

Statutory provisions.

Under section 39 a hospital shall be provided in every prison.

SECTION 1—GENERAL.

650. Every prisoner complaining of illness or appearing to be ill shall be sent for immediate examination by the Medical Officer or, in his absence, by the Medical Subordinate.

Examination of prisoners complaining of illness or appearing to be ill.

651. Every prisoner suffering from any active disease shall be brought under medical treatment, either as an out-patient or an in-patient, and his name shall be recorded in the appropriate register.

Medical treatment of sick prisoners.

652. A prisoner may be detained under observation in hospital for 24 hours without being brought on the register if his disease has not been diagnosed, but after that period, whether the disease is diagnosed or not, his name shall be entered in the proper register.

Detention of a prisoner for observation.

653. (1) The Medical Officer shall daily inspect the out-patient Register and order the admission to hospital of any out-patient if necessary. At least once a week the Medical Officer shall examine all out-patients.

Medical officer to supervise treatment of out-patients.

(2) Only trifling ailments shall be treated outside the hospital; Medical Officer shall be responsible that all other cases of sickness are admitted into hospital. In no circumstances shall cases of dysentery be treated as out-patients.

654. Subject to the foregoing provisions, the examination and treatment of out-patients, may be conducted by the Medical Subordinate who shall maintain the out-patient Register in Form No. 21A.

Medical Subordinate to treat out-patients.

655. The treatment of the sick in hospital is the personal duty of the Medical Officer and shall not in any circumstances be delegated by him to any subordinate. If, in his absence, the Medical Subordinate takes any action in the treatment of the sick, he shall report the action taken in his Report Book to the Medical Officer.

Medical Officer to treat sick in hospital.

656. The Medical Officer shall daily visit all prisoners in hospital and under observation and shall decide whether any prisoner shall be admitted into or discharged from hospital.

Daily visits to hospital of Medical Officer.

Record of sick in hospital.

Maintenance of Case-book.

Control of hospital diets.

Forcible feeding of prisoners on hunger strikes.

Preparation of hospital diets.

Precautions regarding milk.

Supply of hospital clothing and bedding.

657. The number of sick in hospital shall be daily recorded in the Hospital Roll of Sick diet (Form No. 22). Their treatment and diet shall be recorded in the bed head ticket.

658. (1) In addition to these records there shall be maintained in every hospital a Case-book (Form No. 23) in which shall be recorded the history of every case admitted into hospital. The Case-book is intended to be a contemporaneous record or diary of each prisoner's symptoms, treatment and diet; all entries in it shall, therefore, be direct and the practice of keeping notes, to be afterwards copied into the Case-book, is prohibited.

(2) The entries in the Case-book will usually be made by the Medical Subordinate, as symptoms appear or treatment is applied, though the Medical Officer will add notes of his own observations, orders, etc. The Medical Officer shall see the Case-book daily and initial the entries regarding each case in token of having seen them.

(3) As a general rule the entries in the Case book shall be made day by day, but in chronic cases, where there is little or no change from day to day, the Medical Officer may, by entry in his own hand in the Case-book, record that daily entries are unnecessary.

659. The dietary of prisoners in hospital is entirely under the control of the Medical Officer who may either keep the prisoner on the ordinary jail diet of his class, or may place him on the regular hospital dietary or may order any modification of the jail or hospital diet, or any extras he may think necessary.

NOTE.—For scales of hospital diets. See Rule 370.

660. Where on account of hunger-strike, a prisoner has become unconscious or otherwise unable to feed himself, the Medical Officer shall issue orders for his being forcibly fed unless in his opinion such forcible feeding will itself be harmful to the prisoner's life. Where a prisoner is conscious and able to feed himself, the Medical Officer may, in his discretion, direct the prisoner to be forcibly fed, if, in his opinion it is the only means of keeping him alive. Force feeding should not be attended with unnecessary violence and should be ordered only in suitable cases as above described.

661. Hospital diets requiring special preparation shall be cooked in the hospital kitchen where such is provided and the Medical Officer shall examine these diets frequently and satisfy himself that the full quantities of the prescribed articles are present and that they are well-cooked. Rice may be cooked in the main kitchen.

662. Special care shall be taken with such articles as are liable to be adulterated or stolen, such as a milk. Fresh milk shall be used when it can be obtained, in preference to tinned milk; it should be frequently tested to ensure that it is pure.

663. Every prisoner shall on admission to hospital be supplied with hospital clothing and bedding, his convict clothing and bedding being withdrawn, and returned to him on his discharge from hospital. Care shall be taken that clothing and bedding are changed sufficiently often for purposes of cleanliness, and that in infective cases all clothing and bedding are thoroughly disinfected.

Every patient in hospital shall be provided with a proper mattress

664. (1) For the purpose of attendance on the sick a few well-conducted convicts of some education and long sentence shall be selected by the Superintendent in consultation with the Medical Officer and trained as nursing orderlies. Such orderlies who perform their duties satisfactorily shall be awarded extra remission and gratuity at the same rate and scale as are prescribed for night watchmen.

Appoint-
ment of hos-
pital attend-
ants and me-
nials.

(2) The Superintendent shall detail a sufficient number of well-conducted convicts to perform the menial duties of the hospital. Such convicts shall be under the orders of the Medical Officer.

665. Over every occupied bed shall be placed a bed-head ticket showing the required particulars, and in every case of fever a temperature chart shall be maintained.

Bed. head
ticket.

666. Prisoners who are not too ill shall be required to bathe daily at such time as the Medical Officer may direct, and may be given at their option some light employment, but no fixed task should be exacted.

Bathing and
labour of pa-
tients.

667. Every case or suspected case of infectious disease shall immediately be segregated and the strictest isolation shall be maintained until the Medical Officer considers it safe to discontinue the precaution. The Medical Officer shall give written instructions as to the cleansing, disinfecting or destroying of any infected clothing or bedding, and shall satisfy himself that they are carried out.

Segregation
of infectious
cases.

668. A ward or cell in which a case of infectious disease has occurred or been treated shall be immediately purified with sulphurous acid or other disinfectant, and the walls shall be thoroughly scraped; the floor, if of earth shall be dug up to the depth of three inches, and replaced with fresh clay; the roof and rafters shall be dusted, and three coats of disinfectant shall be applied to them.

Disin fe-
ction of
wards.

NOTE.—Sulphurous acid can be produced by melting common sulphur in a metal vessel over a fire, and then setting fire to the sulphur which should be allowed to burn out. While the sulphurous acid is being given off, all doors, windows and other apertures must be tightly closed.

669. (1) Every hospital shall be kept scrupulously clean and well-ventilated. The walls of the hospital shall be scraped and whitewashed once in six months, and oftener if necessary.

Hospital to
be clean.

(2) A proper place for washing and boiling the soiled hospital clothing and sheets shall be provided outside the jail enclosure, if possible, and the blankets and blanket clothing shall frequently be boiled.

670. If any prisoner other than a prisoner suffering from tubercle who is transferred for the benefit of his health dies within three months of his transfer of the disease on account of which he was transferred, or if he dies of tubercle at any time, his death shall be borne on the returns of the transferring jail; but if he dies of a different disease or after the lapse of three months the casualty shall be borne by the receiving jail.

Return of
death of pri-
soner trans-
ferred on
ground of
health.

NOTE.—For transfer on medical grounds—*Vide Rule 511.* For release on medical grounds, *vide Rules 568-570.*

Intimation to relatives of the dangerous illness of a prisoner.

671. It shall be the duty of the jail authorities to send timely notice to the nearest relative of a prisoner when he becomes dangerously ill, and a telegraphic intimation upon his death. In the case of a tea-garden coolie the necessary intimation shall be sent also to the manager of the garden to which he belonged. With a view to facilitate such reference, the name and residence of the nearest relative (or friend, if so desired by him) of every prisoner admitted to jail shall be entered along with his father's or her husband's name in a column in the Admission Register. Further, on admission of a prisoner to hospital, the name and address of his nearest relative or friend, after verification by the Medical Officer from the sick prisoner shall be copied into the Hospital Admission Register. It will be the duty of the Medical Officer to maintain a "dangerously ill" list of patients in the jail hospital. Any fresh admission to this list will be immediately reported by the Medical Officer in writing to the Superintendent who will take such action as he deems necessary under the terms of this rule.

Procedure on death of a prisoner.

672. (1) In the event of the death of any prisoner, the Medical Officer shall see and, if necessary, examine the body of the deceased prisoner, so that he may, in every case, be in a position to certify to the fact and cause of death. When the Medical Officer is in any doubt as to the cause of death, and in every case in which death appears or is likely to have been the result of an offence punishable under the Indian Penal Code, he shall make a complete and regular *post-mortem* examination of the body of the deceased. In the event of several deaths resulting from any prevailing epidemic, a *post-mortem* examination shall be made in one or more cases to be selected by the Medical Officer.

(2) The provisions of clause (1) shall, *mutatis mutandis*, apply to the case of a death occurring amongst the officers of the jail while employed on duty at or within such jail.

(3) The record required by section 15 of the Prisons Act, 1894, shall be made by the Medical Officer in the Case-book.

673. If the Medical Officer is of opinion that a prisoner is malingering, he shall at once report the fact to the Superintendent. Treatment for other than curative purposes is strictly prohibited.

674. Every prisoner on discharge from hospital shall be put to labour or placed on the "Invalid gang," as the Medical Officer may direct.

675. The invalid gang shall consist of—(1) those who from age or bodily infirmity are physically and permanently incapacitated from the performance of hard or medium labour; these will be permanent members of the gang; (2) those who have been discharged from hospital as convalescent, but are temporarily unfit to perform hard or medium labour; (3) men who, though not permanently incapacitated for labour, nor lately discharged from hospital, nor labouring under any active disease, are generally out of health. This class will contain all convicts passed as fit for light labour only, prisoners exhibiting scorbutic or malario-scorbutic gums, those found to be steadily failing in weight, and those who are anaemic.

Treatment of malingerers.

Treatment of prisoner discharged from hospital.

Composition of invalid gang.

676. (1) Prisoners on the invalid gang shall be given some light work suited to their strength and shall as far as possible be kept together for purposes of diet and observation, both by day and night; a register of them shall be kept and no prisoner shall be placed in or discharged from this gang without the permission of the Medical Officer. They shall be examined daily by the Medical Subordinate, and once a week by the Medical Officer.

(2) Weekly instead of fortnightly weighments shall be made and recorded in a special register.

677. The Medical Officer may recommend any special diet for any prisoner on the invalid gang, and every prisoner, not being a patient in hospital, who receives special diet on medical recommendation shall be brought on the invalid gang register. Special dieting of prisoners not in hospital.

678. Every prisoner admitted to jail shall be vaccinated, on admission or as soon afterwards as possible, unless —

- (1) he shows clear evidence of being protected against smallpox either by having suffered from the disease, or by previous vaccination, or
- (2) he is undergoing a sentence which will detain him in jail for a period not exceeding one month.

The Medical Officer may, at his discretion, dispense with vaccination or revaccination in any case in which he may consider it undesirable or unnecessary.

679. A Vaccination Register shall be maintained in the following Form and the particulars of those vaccinated shall be entered in it. When failure is not attributed to immunity arising from previous vaccination or from small-pox, the operation shall be repeated. All attempts to render the operation unsuccessful shall be brought to the notice of the Superintendent.

VACCINATION REGISTER.

SECTION II.—THE TREATMENT OF EPIDEMICS.

Precautions
against out-
break.

Infectious
diseases
camp outside
the jail.

Camp build-
ings and
sanitary
arrange-
ments.

Guarding of
the camp.

Report of an
outbreak of
cholera to be
sent to the
Inspector-
General and
others.

680. When epidemic disease is present in the vicinity of a jail communication between the staff and the infected locality shall be as far as possible prevented and special care shall be taken that arrangements to meet an outbreak are complete.

681. If infectious disease, particularly cholera, breaks out in the jail in epidemic form, it may be necessary to establish a camp outside the jail in consultation with the District Magistrate. It is advisable that every jail should have on record all details regarding the establishment of such a camp so that no time should be lost in removing prisoners to it when necessary. In making a selection of a site regard should be had to the following conditions, special attention being paid to its state during the rains:—

- (1) It should be easy of access and should not usually be more than five miles from the jail.
- (2) It should not be on the main lines of communications or near cantonments, civil stations or villages.
- (3) The ground should be high and well-drained.
- (4) There should be facility for water-supply.
- (5) There should be no rank vegetation.

682. (1) To provide accommodation for prisoners and staff in the camping ground, it will be found most convenient to construct grass huts with *machans* or *charpoys*. There must be adequate drainage trenches, specially in the rains. Latrines and latrine trenches must be arranged for. Careful sanitary arrangements shall be made for the camp and powdered lime freely used as a disinfectant for all latrines and *katcha* drains.

(2) Every precaution must be taken against fire by having buckets or *gambas* full of water in convenient places.

683. (1) The primary responsibility for all escapes rests with the jail staff, including convict warders, overseers, and watchmen both by day and by night. The Superintendent shall be responsible for settling the details of watch and guard, and for deciding what jail officials must reside in camp.

(2) When the Superintendent is of opinion that in addition to the jail staff and guard there should be a police guard, he shall inform the District Magistrate who will take whatever steps he may think necessary to render assistance.

(3) The Superintendent shall exercise his discretion as to what prisoners should be fettered or chained for safe custody.

684. (1) On the occurrence of a case of cholera in any jail the Superintendent shall at once report it to—

- (a) The Inspector-General of Prisons.
- (b) The Director of Public Health.
- (c) The District Magistrate.
- (d) The Superintendents of the Jails to and from which prisoners are transferred.

(2) He shall furnish the Inspector-General and the District Magistrate with daily reports of the progress of the outbreak.

685. If within one week after the occurrence of the first case of cholera, three or more cases occur, it should be concluded that the disease has assumed an epidemic form.

When disease should be deemed epidemic.

686. On the occurrence of a case or suspected case of cholera, or other infectious disease, the patient shall not be taken to hospital, but shall be immediately removed to a segregation shed within the jail precincts.

Removal to segregation shed of a case of cholera.

687. All prisoners employed in cleansing a ward in which a case of suspected infectious disease has occurred, or who have been in contact with the patient, shall be detained under medical observation in a separate building, in a manner that shall effectually prevent their mingling with other prisoners who have not been so employed, special care being taken that they bathe and feed apart, and that their excreta are separately collected and disinfected before removal.

Treatment of prisoners after contact with infection.

688. If there is any reason to think that the clothing of any warden or other jail officer is likely to have been polluted by any cholera discharge, it should be at once withdrawn from use and disinfected.

Disposal of jail officers' clothing if infected.

689. The barrack in which a case occurs shall be immediately vacated, and the inmates kept together and not distributed among the other prisoners. The vacated barrack shall be thoroughly disinfected.

Treatment of infected ward.

690. All overcrowding must be strictly avoided both in the hospital and in every cell and ward. If the epidemic be severe, it may be desirable to give up the hospital to epidemic cases, removing all other cases to any temporary hospital that can be improvised in a ward or work-shed, should there be no better place available. Slight case of colic or ordinary diarrhoea should also be treated separately and not admitted to hospital until the characteristic symptoms of cholera and jail diarrhoea have appeared.

Accommodation of patients

691. The drinking water shall, on the recommendation of the Medical Officer, be thoroughly boiled. An issue of firewood at the rate of 1 lb. per head per diem may be made for this purpose, and care shall be taken that sufficient appliances are provided and that there is adequate control to ensure efficient boiling.

Sterilization of drinking water.

692. The general condition of the prisoners shall be carefully watched, in order to detect incipient cases. During the night, any man attacked by premonitory symptoms shall be immediately removed for treatment. Convict officers shall be required to report at once any sign of sickness, and a prisoner visiting the latrine oftener than usual shall be placed under observation.

Observation of healthy prisoners.

693. Serupulous attention shall be paid to the state of the latrines. Disinfecting agents, such as perchloride of mercury lotion, shall be freely employed, and every precaution connected with "dry-earth conservancy" strictly enforced.

Sanitation of latrines.

Treatment of segregation
shed floor.

694. The floor of the segregation shed shall be thickly sprinkled with powdered charcoal, wood-ashes or fine earth; all discharges shall be immediately removed and ashes or earth soiled by the discharge shall be replaced by fresh earth or ashes.

Disposal of
dejecta.

695. The dejecta shall be placed in a vessel with a close-fitting cover, containing a sufficient quantity of crude carbolic acid, ferric chloride or mercuric chloride solution and shall be immediately removed and incinerated. The ashes remaining shall be buried.

Attention to
persons of
prisoners.

696. Special attention to the cleanliness of prisoners and their clothing shall be enforced. The water used for washing shall not be allowed to remain within the jail walls.

Treatment of
clothing and
bedding.

697. The clothing and bedding of the inmates of an infected ward shall be either immersed for 30 minutes in boiling water, or steeped in weak perchloride solution and then dried and returned to them after they have bathed. Hospital clothing and bedding used by infected patients shall be burnt.

Disposal of
infected
corpse.

698. The body of a person who has died of an infectious disease shall be entirely wrapped in a sheet saturated with corrosive sublimate solution, 1 part to 1,000, and buried with the least possible delay.

Rules gene-
rally applica-
ble to epi-
demics.

699. The above instructions relate especially to the treatment of cholera, but are also applicable to other outbreaks of epidemic disease, such as small-pox. In these cases the necessity for segregation is equally important, but removal into camp would be less frequently resorted to. In outbreaks of typhoid fever the changing of the water-supply is of the first importance.

Daily return
during epi-
demics.

700. Whenever epidemic sickness prevails in jail, a daily return shall be furnished to the Inspector-General. In this return the Medical Officer shall briefly note the progress of the epidemic, the measures he is taking to arrest it, and any information he may consider of importance.

CHAPTER XXXVII.

SANITATION.

SECTION I.—ACCOMMODATION AND VENTILATION.

701. The accommodation capacity of sleeping wards, cells and other buildings intended for the occupation of prisoners shall be calculated in accordance with the following table :—

	Superficial area per prisoner.	Cubic capacity per prisoner.
	Square feet.	Cubic feet.
Wards	...	36
Cells	...	75
Hospital	...	54

702. Near the door of every ward shall be recorded the number of cubic and superficial feet which it contains and the number of prisoners which it is capable of accommodating.

703. The Superintendent and the Medical Officer shall be respectively responsible that no prisoners in excess of the authorised accommodation are confined in any ward or in hospital. The Lock-up Register shall show the maximum accommodation of every ward, so that the Superintendent may be able to judge at a glance whether any ward is overcrowded or not.

704. (1) As soon as any number of prisoners in excess of the available accommodation is received in any jail the Superintendent shall make such temporary arrangements for the accommodation of the excess prisoners as he thinks best, and submit a report to the Inspector-General with the fortnightly return of prisoners, stating the measures adopted.

(2) Simultaneously, descriptive rolls shall be prepared of the prisoners proposed to be transferred, but a reference to the Inspector-General must not be deferred pending the preparation of the rolls.

705. The Superintendent and Medical Officer shall pay special attention to the ventilation of the sleeping wards. In all cases care shall be taken that there is sufficient lateral, as well as roof ventilation. As the condition of the atmosphere breathed by prisoners can only be judged by visiting the sleeping wards several hours after the inmates have been locked up, the Superintendent and the Medical Officer shall at all seasons and at uncertain intervals visit the jail at night to satisfy themselves that the ventilating arrangements are adequate, and that the prisoners have not obstructed the means of ventilation with a view to warmth.

706. The interiors of worksheds, sleeping wards and cells shall ordinarily be white-washed twice a year, and of hospitals once in three months.

Accommodation capacity.

Capacity of ward to be inscribed near the door.

Responsibility for preventing overcrowding.

Measures to relieve overcrowding.

Ventilation of wards.

Walls to be white-washed.

SECTION II.—CONSERVANCY.

Responsibility of all officers.

Jail area to be kept clean.

Prohibition of cess-pools and drains.

Precautions against malaria.

Medical Officer to approve drainage.

Injurious conditions in neighbourhood of jail.

Construction and use of latrines.

Cleaning of latrines.

707. It is the duty of all jail officers to pay special attention to conservancy, and official visitors are expected to satisfy themselves that it is properly carried out.

708. The jail area shall be cleaned daily and shall be kept free from all jungle and weeds, accumulations of broken bricks, manufacturing refuse, etc. No cook-room refuse shall be permitted to be thrown on the ground, nor shall rubbish of any kind be allowed to accumulate in or near the jail.

709. Cess-pools and drains for sewage are prohibited in or near a jail.

710. All low, hollow ground, and especially stagnant pools, near jails, shall be filled up. The drainage of the ground round about the jail shall be carefully attended to, and where necessary drainage cuts shall be made, with a view to prevent accumulation of water.

711. The Medical Officer shall bring to notice any defects in the drainage within or about the jail, and his not doing so will be considered proof of his being satisfied with it.

712. If anything that might injuriously affect the health of a jail occurs or is about to occur in its neighbourhood, it shall be reported to the Inspector-General. The construction of public latrines, sewage drains or the like near a jail is objectionable, and measures should be taken to prevent it.

713. (1) The dry-earth system of conservancy shall ordinarily be adopted in all jails.

(2) Covered latrines on the dry-earth system, with partitions dividing the seats, shall, where practicable, be provided in each enclosure of the jail. The floor when not of stone or cement shall be of rammed earth, on which three or four inches of loose soil shall be spread. This loose soil shall be frequently renewed. The seats shall consist of single blocks of stone.

(3) Each seat shall be provided with separate receptacles for urine and faecal matter. A sufficiency of dry earth shall be provided and every prisoner shall be required to cover his excreta with a scoopful of it. No water shall be allowed inside a latrine, but water for personal ablution and a place for washing shall be provided outside.

(4) Provision shall be made for a sufficient supply of dry sifted earth in every latrine, and a stock shall be kept in reserve under cover. The earth to be used must be dry and finely powdered. The more sandy the less efficacious it is for conservancy purposes.

714. The latrines shall be thoroughly cleansed morning and evening and, if necessary, in the middle of the day. Night-soil and urine shall be removed in covered iron receptacles from the latrines and shall be passed out of the jail by means of an ejector and not through the main gate. Sweepings and cook-house refuse shall be disposed of separately from night-soil.

715. Every sleeping wards and cells shall be provided with receptacles for urine and faecal matter, the former being half-filled with water. These receptacles shall be placed on an impervious surface. A receptacle for dry earth shall also be provided, and every prisoner shall cover his excreta with a scoopful of it.

Sanitation in
wards and
cells.

NOTE.—For particulars as to the removal, cleansing and replacing of receptacles, see Rules 267 and 285.

716. Where sufficient land exists the night-soil shall be buried in trenches 18 inches deep, 24 inches broad and of sufficient length to contain the night-soil of one day. These trenches should be prepared at least 24 hours before use so that they remain freely exposed to the atmosphere and sunlight. The soil removed from the trench should be pulverised by a mallet so that no lumps exist. The night-soil should be filled in to a depth of 9 inches and no more; and the trench filled in with the broken up earth sufficiently above the surrounding ground to allow for subsidence. This process is to be continued from day to day till the plot is finished when it must be left fallow for at least six months by which time the night-soil will become innocuous. In dealing with urine, the trenches should be filled with 9 inches of pulverised mould first; the urine is added to the point of saturation, when the trench is filled in as for night-soil. The land should be plotted out beforehand.

Disposal of
night-soil
and urine.

717. Care shall be taken that night-soil and urine are not applied where they can be a danger to the drinking water-supply. The disposal of night-soil and urine must always be strictly controlled and should be placed under the supervision of a responsible officer.

Precautions
against
polluting
water-supply.

SECTION III.—WATER-SUPPLY.

718. The Superintendent and the Medical Officer are responsible that an ample supply of water of good quality is always available for drinking, bathing and other purposes.

Responsibility for
water-supply.

719. The sources from which the drinking water is derived shall be carefully selected and protected from pollution. In selecting sources of supply for drinking water it should be remembered that the deeper the well the less is the probability of contamination, and in protecting wells it should be borne in mind that all dangerous impurities come from above, either direct down the mouth of the well or by percolation of polluted surface water.

Selection of
source of
drinking
water-supply.

720. The mouth of every drinking water well shall be completely closed in. The surface immediately surrounding the well shall be covered with a sloping cement platform with a drain round it to carry off spilt water, and the well shall be lined to a sufficient depth to render the tube impermeable.

Wells to be protected.

721. Every well shall be cleaned out once a year, and the date on which this is done shall be recorded.

And periodically cleaned.

722. Samples of water should be sent to the Assistant Surgeon in-charge, Provincial Laboratory, Shillong, for chemical and bacteriological analysis twice yearly and also when in the event of an outbreak of epidemic disease, there is reason to believe that it might be due to contamination of the water-supply.

Analysis of water.

Boiling of water.

723. If it becomes necessary, owing to the prevalence of epidemic disease, to boil the drinking water, the Superintendent and Medical Officer shall be responsible that the boiling is thorough and that to this end sufficient fuel is issued and sufficient apparatus provided, and that a responsible officer is told off to superintend the boiling.

Distribution of water.

724. The cleanly distribution of water is of paramount importance. Buckets used for drawing water for domestic purposes shall be used for no other purpose, and water vessels shall be replaced on becoming old or impure. Barrels, tanks and reservoirs shall be frequently cleaned out, and the water drawn by means of a tap, and not ladled out at the top. Every water storage receptacle shall be covered in and the lid fastened down after it is filled.

Supply of water to prisoners.

725. Suitable arrangements shall be made to supply every inmate of a ward and cell with a sufficient quantity of fresh drinking water in closed vessels.

For prisoners on extramural work, drinking water must be sent out from the jail in vessels carefully protected from contamination.

Disinfection of wells.

726. (a) Every well in a jail should be treated once a month with permanganate of potash which should be added in sufficient quantity to give a pink colour remaining perceptible for at least six hours. For ordinary wells 5 feet in diameter containing 6 feet of water two ounces should be dissolved in a bucket of water before adding to the well. The water in the well should be agitated by the bucket after the addition of the solution.

(b) A more efficient means for routine sterilisation of well water supplies is by bleaching powder, which to be effective must be fresh. For a well 5 feet in diameter containing 6 feet of water a two-ounce tin or bottle of fresh bleaching powder is sufficient, but as the strength of available chlorine rapidly diminishes in this country, for thorough disinfection in most cases two tins of two-ounce capacity would be required, as also when the well is larger than 5 feet in diameter.

(c) A careful record must be kept of the dates of disinfection.

SECTION IV.—DISPOSAL OF THE DEAD.

Under what circumstances, corpses may be made over to friends.

727. The body of any prisoner who dies in jail or is executed shall be made over to the friends or relatives of the deceased, if claimed by them, unless there are any special reasons to the contrary, e.g., if the prisoner has died of any infectious disease or if, in the case of a prisoner who has been executed, there are grounds for supposing that the convict's funeral will be made the occasion of a public demonstration, in which case due notice shall be given to the District Magistrate.

The jail burial ground.

728. There shall, as far as practicable, be a burial ground attached to every prison distinctly marked off or enclosed for the burial or cremation of prisoners.

729. (a) The Jailer shall arrange for the thorough cremation of the bodies of Hindu prisoners which are not claimed by their friends.

(b) The corpses of all Musalman prisoners, if not claimed by their friends, shall be buried by prisoners of their own religion.

(c) In the case of Europeans, intimation will, when necessary, be sent to the Magistrate who will arrange for the burial of the corpse in the local cemetery with due rites.

(d) The Jailer of every prison shall be held responsible that every corpse sent out of the prison for cremation or burial is decently covered.

Disposal of
corpses by
jail authori-
ties.

CHAPTER XXXVIII.

THE JAIL GARDEN.

NOTE.—A Manual of gardening in jails will be supplied to all Superintendents.

Garden to supply all vegetables.

730. The Jailer shall be responsible that the garden contains at all seasons a sufficient quantity of good succulent vegetables, condiments and anti-scorbutics for jail use, and that the whole of the jail land outside or inside the jail walls available for cultivation is cultivated to the best advantage. A garden of sufficient size to supply all vegetables and condiments required should be laid out and surrounded by a hedge and ditch, and no warders or other subordinate officers should be permitted to go into the garden except when on duty there.

Explanation to be furnished if vegetables have to be purchased.

731. The Jailer shall be responsible to the Superintendent that the full supply of vegetables required for prisons' consumption shall, as far as possible, be grown in the jail garden, and that when vegetables are bought an explanation of the failure to obtain the supply from the garden shall be furnished by the Superintendent to the Inspector-General of Prisons.

Anti-scorbutic fruit trees to be grown.

732. It is important that every attempt should be made to grow lime trees and trees for anti-scorbutic fruits such as tamarind, *bael*, *amrah* and mango, in a portion of the garden and in other places within in the jail precincts. Roselle also should be grown to supplement the supply of anti-scorbutics.

Procuring of supplies of Indian and English vegetable seeds.

733. Indian vegetable seeds suitable for cultivation in the hot weather and monsoon should be purchased locally. Subject to budget provision, supplies of English seed for cold weather crops shall be obtained on indent from the suppliers. The sanction of the Inspector-General need not be obtained. Indents should be sent on the 1st April in each year. The jail garden is primarily intended to grow vegetables for prisoners, and therefore only such seeds should be obtained as are most useful for jail purposes. In the proper seasons crops of potatoes, mangel wurzel, onions, radish, turnip, sweet potato, *kutchu*, Roman or China cabbage, and such as will be available for use in the hot weather or can be stored for issue in the rainy season should be grown to the fullest extent of probable requirements. Radishes should be available for issue to prisoners early in August.

Vegetable seeds in excess of the amounts noted below should not be indented for from Messrs. Sutton & Sons of Calcutta without special sanction of the Inspector-General :—

	Rs.
Sylhet	...
Tezpur	}
Gauhati	...
	67 each.

Silchar	Rs.
Nowgong	
Jorhat	34 each.
Dibrugarh	
Shillong	
Dhubri	
Tura	20 each.
Kohima	
Aijal	
Karimganj	
Sunamganj	
Habiganj	
South Sylhet	20 each.
Mangaldai	
Sibsagar	
Golaghat	
North Lakhimpur	

734. The jail garden should be kept neat and clean, free from Utilisation of weeds and undergrowth. Dry leaves and vegetable matter should be garder raked up and collected in pits. Decayed leaves contain all the elements necessary to make a perfect plant food and with farmyard manure should be put on the ground to a depth of 6 inches and then dug well into the soil.

735. All available sources of water-supply in jail gardens should Water-sup- be utilized to the extent necessary. The main irrigation channels ly to garden. should be built of stone or brick and leakages should be promptly repaired.

736. Those portions of the jail lands which are not in use as a Utilisation garden shall be utilised for the growth of grain, grass, fuel trees, aloe of jail lands. or other products. No jail land should be left unutilised unless it is incapable of being turned to account.

737. Jailers shall be responsible that all crops grown on jail lands Garden crops are reaped at the proper time and immediately brought into store, and to be accoun- that proper precautions are taken against peculation, loss or misuse. ted for.

Dairy. 738. A sufficient number of cows may be maintained to supply whatever milk is needed in the jail, provided that it is economical to do so, and that sanitary requirements can be complied with.

Trees not to be cut down. 739. No trees on jail lands shall be cut down or otherwise removed, without first obtaining the sanction of the Inspector-General unless immediate danger is threatened to buildings, etc.

Employment of prisoners. 740. The number of prisoners employed for the cultivation of vegetables and condiments for jail use shall not exceed ten per cent. of the total average strength. If more are employed, the Jailer should be required to show a profit by the sale of vegetables of at least three rupees per mensem for every prisoner in excess of ten per cent.

Free supply of vegetables to Jailers and other members of the jail staff. 741. Vegetables from the jail garden shall be allowed daily, free of charge, to Jailers, Assistant Jailers, Head Warders and paid Warders, and Medical Subordinates solely attached to jails, sufficient for the requirements of each household, provided that the requirements of the prisoners shall have been in the first place fully supplied. The Superintendent shall satisfy himself by daily personal inspection that this proviso is satisfied, and also that the jail staff do not abuse the concession made to them by selling the vegetables.

If, after the prisoners and the jail establishment have been supplied, there is a surplus of vegetables, they may be sold to outsiders.

All sums realised from the sale of vegetables, fruits and surplus dairy produce shall be paid into the treasury and be deducted from the cost of jail maintenance in the annual accounts as laid down in Rule 1071. For further instructions regarding the cultivation of the jail garden, see Appendix IV (3).

CHAPTER XXXIX.

METHOD OF PROCURING RATIONS.

742. The Superintendent and Jailer shall be held responsible that arrangements are made in due time for storing at the cheapest season grains of such kinds as are required in sufficient quantity to last (with what may at the time be in stock) until the following year's crop can safely be used. Rice or paddy shall be only of the winter crop, which is not fit for use until the end of March; if this, for instance, is stored in January of one year, a sufficient quantity must be laid in store to last, with what remains in stock from previous supplies, until the end of March of the succeeding year.

743. It is the duty of the Superintendent and the Jailer to make their purchases in the cheapest market available and at the cheapest season of the year. They must not be content with purchasing in the local bazar nor in small quantities at retail prices. All articles which are required in large quantities, such as paddy, *ddl* and other grains, mustard seed, kerosine oil, etc., should be obtained by entering into contracts with wholesale dealers, landholders and others, and when doing this, the Deputy Commissioner or the Subdivisional Officer of the district or of neighbouring districts, should be freely consulted both as to the cheapest market and facilities for cheap carriage. Superintendents of neighbouring jails who may be in a position to help may also be consulted. It is only in the event of failure to enter into such contracts, which may happen in the case of the smaller jails, unfavourably situated, that supplies may be obtained from petty traders. When applying for sanction to this course, Superintendents shall satisfy the Inspector-General of Prisons that they have done their best to make suitable contracts with wholesale dealers. The Jailer may be deputed to visit the large marts, ascertain the prices charged by wholesale dealers, and make arrangements for weighment and transport; and trustworthy jail officers may be sent to superintend the weighment and despatch of the grain to the jail. The travelling allowances of these officers will be passed according to rule.

744. (a) With a view to secure the cheapest rates, it is advisable, where possible, to call for sealed tenders. In the notice inviting tenders it should be stated that the tenders will be opened on a certain date and that all applicants should be present with samples of their grain. It should further be notified that, after the tenders have been opened, the Superintendent may select a particular sample and auction among the applicants the contract of supplying a fixed quantity of grain, corresponding to the selected sample, within a stipulated date. The sample shall then be put into a clean glass bottle, corked and sealed, and every consignment received from the contractor shall be compared with the sample before delivery is accepted.

(b) The contract shall be in the prescribed form.

(c) The contractor shall be required to furnish, by a deposit in the Post Office Savings Bank or by a revenue deposit in the Treasury or by promissory notes endorsed in favour of the Inspector-General of

Time for
storage
grains.

Method of
purchase.

Tender and
auction sys-
tem, form of
contract
and security
deposit.

Prisons, a sum of money equal to 10 per cent. of the total value of the contract as security for its due fulfilment. In the case of large contracts and approved contractors, the security deposit may be limited, at the discretion of the Inspector-General of Prisons, to 5 per cent.

Responsibility of Superintendent and Jailer for weightment and quality.

745. The Jailer shall be responsible for the weighment of all supplies and their safe keeping after delivery, but the Superintendent shall examine a portion of every delivery of grain brought into the jail, and satisfy himself that it is of good quality and suitable for its purpose before it is stored. There should be no delay between delivery and weighment, and payment must be made at once after weighment and approval by the Superintendent. Unless prompt payment is made, it cannot be expected that dealers will give the most favourable terms.

Precautions to be taken in storing grain.

746. Grain must be thoroughly dried in the sun before being stored and protected from damp, vermin, and theft in the godown.

Superintendent to use his discretion as to whether paddy or rice should be purchased.

747. In deciding whether paddy or rice should be purchased the Superintendent shall take into consideration whether more profit to the jail is likely to be made by employing prison labour in husking paddy or in some other occupation. It should in this connection be borne in mind, that the boiling and drying of paddy should not be carried on during the rainy season, and that if there is not, in the dry season, sufficient labour for preparing the whole of the year's supply of paddy, rice will have to be purchased and stored for issue during the rains.

Precautions, husking to be carefully done.

748. All steps must be taken to ensure that the paddy is not damaged by over-boiling or steeping and that the husk is properly removed, leaving good clean whole grain. Damaged rice must not be issued to prisoners but given to the cattle and written off the accounts, suitable disciplinary action being taken against anyone who may be found responsible for loss or waste. Female labour, where available, should be used for husking.

Jail to produce its own rations as far as possible.

749. So far as possible, articles of diet required for feeding prisoners shall be raised on jail land and be prepared by jail labour. All pulses required for consumption in a jail shall invariably be husked by prisoners; and both in regard to these and the manufacture of flour and mustard oil for food, the Superintendent should frequently compare the amount of the outturn with the grain issued and see that a full return is obtained.

Purchase of perishable articles.

750. Articles which will not keep shall be obtained as required by purchase.

CHAPTER XL.

CIVIL PRISONERS.

Under section 31 of the Prisons Act, a civil prisoner shall be permitted to obtain, subject to certain restrictions, food, clothing, bedding or other necessaries. The Superintendent shall, under section 33, supply clothing and bedding to a civil prisoner unable to provide himself with these articles. Under section 34 of the Act a civil prisoner may, with the Superintendent's permission, work and follow any trade or profession and may, with certain reservations, receive the whole of his earnings. Section 40 requires that due provision shall be made for the admission of the visitors to civil prisoners.

Under section 46 of the Act, a civil prisoner is exempted from the punishments of handcuffs, fettters and whipping.

751. (1) Civil prisoners shall be confined in the civil ward or jail and shall not be allowed to hold communication or to be associated with criminal prisoners.

Separation of civil from other prisoners.

(2) Civil prisoners are of three classes, namely:—

- (i) Civil debtors confined under a warrant in execution of a decree of a civil court.
- (ii) Revenue defaulters under Act VII(B.C.) of 1880.
- (iii) Persons sentenced to confinement in a civil jail under sections 318, 332 or 514 of the Criminal Procedure Code or otherwise than as in class I.

752. Except as otherwise provided in this chapter all rules in the Jail Manual apply to civil prisoners.

Applicability of jail rules to civil prisoners.

753. The search and examination of civil prisoners shall not be conducted in the presence of any other prisoners.

Search of civil prisoners.

754. If a civil prisoner commits any jail offence he is liable to the punishments prescribed in Chapter XVIII excepting handcuffs, fettters and whipping.

Punishments of civil prisoners.

755. Civil prisoners may be permitted to purchase or receive from private sources food, clothing, bedding or other necessaries subject to the following restrictions:—

Restrictions on supply of food etc., from outside.

- (a) Such articles shall be examined by the Jailer or other jail officer before being introduced into the jail.
- (b) Food cooked outside the jail shall be allowed only for such prisoners as the Superintendent, having regard to their former habits or social position, may authorize to receive it.
- (c) Spirituous liquors and intoxicating drugs are prohibited unless prescribed by the Medical Officer on medical grounds. The use of tobacco is permitted.
- (d) All purchases for any civil prisoner shall be made by or under the orders of the Superintendent.

Civil prisoners not to part with food, etc. received from outside.

Supply of clothing and bedding by the jail.

Release when creditor fails to pay cost of clothing and bedding.

Calculation of cost of bedding and clothing.

Clothing to be clean.

Bathing of civil prisoners.

Civil prisoners can cook their own food.

Detention dependent on payment of subsistence allowance.

Payment of first instalment.

Subsequent payments.

756. No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be given, hired or sold to any other prisoners and any prisoner transgressing this rule shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper.

757. Every civil prisoner not provided with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

758. When any civil prisoner has been committed to prison in execution of a decree in favour of a private person such person or his representative shall, within 48 hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

759. Any bedding or clothing supplied to a civil prisoner committed to prison in execution of a decree in favour of a private person, no matter what the amount of such bedding or clothing may be, shall be charged for at the rate of Re. 1 per month, or fraction of a month and be credited in the cash book of the manufactory accounts as "hire of clothing and bedding for civil prisoners."

760. (a) Civil prisoners who supply their own clothing and bedding shall be required to dress themselves properly. Thorough cleanliness shall also be insisted on and the Superintendent may decline to allow any clothing or bedding to be introduced into the jail or used until it is, in his opinion, clean.

(b) Civil prisoners shall be required to bathe at such times as the Superintendent may fix.

761. Civil prisoners shall be permitted to cook their own food at such places as the Superintendent may direct and to use their own cooking, eating, and drinking vessels, otherwise the food will be cooked by convict cooks in the convicts' cook house and served in jail vessels.

762. No civil debtor shall be received into a jail unless the preliminary payment of the monthly subsistence allowance, according to the rate mentioned in the Court's warrant of committal, has been made, and no civil debtor shall be detained when the time limited for any subsequent payment lapses without its being duly made.

763. The first payment of the monthly subsistence allowance fixed by the Court shall be for such portion of the current month as remains unexpired when the civil debtor is committed to jail. This payment shall be made to the proper officer of the committing Court and will be transmitted to the Superintendent.

764. Subsequent payments of the monthly subsistence allowance shall be paid to the Superintendent by the detaining creditor by monthly payments in advance before the first day of each month (Order XXI, rule 39, Act V of 1908), and each payment shall be the full amount due for the ensuing month or for as many days less than a month as the civil debtor may have to be detained to complete the full period of his imprisonment. Payment by instalments shall not be permitted.

765. The Superintendent shall release a civil prisoner—

Release of
civil prison-
ers.

- (a) on the amount mentioned in the warrant for his detention being paid to the Superintendent;
- (b) on the omission by the person, on whose application the prisoner has been detained to pay the subsistence allowance or hire of clothing and bedding.
- (c) on receipt of an order of release from a Court;
- (d) on expiry of the term of sentence prescribed in the warrant.

766. After a civil prisoner has been released, if there is any balance of diet money in the Jailer's hand it shall, if received from a Civil Court officer, be returned to the Court; but if received from the decree holder, it shall be repaid to the decree holder on his applying for it. If such balance remains unclaimed for more than two months, it shall be remitted to the treasury to the credit of Government. For every such refund of diet money a receipt shall be taken and pasted into the admission register opposite the account to which it relates.

Refund of
diet money.

767. (1) In accordance with section 59 of the Code of Civil Procedure (Act V of 1908), a civil debtor may be released from jail—

Release on
grounds of
illness.

- (a) by the local Government on the ground of the existence of any infectious or contagious disease, or
- (b) by the committing Court or any Court to which that Court is subordinate, on ground of his suffering from any serious illness.

A civil debtor thus released may be re-arrested, but the period of his imprisonment shall not in the aggregate exceed that prescribed in section 58 thereof.

(2) In the case of (1)(a) the Superintendent shall submit the case to Government through the Inspector-General for orders under section 59(3)(a).

(3) In the case of (1)(b) the Superintendent shall at once inform the committing Court.

768. A civil prisoner may with the Superintendent's permission work and follow any trade or profession. He shall keep the room he uses or occupies in a clean and orderly state. He shall be encouraged to work and, if he works on a trade, be allowed to receive his earnings subject to such deductions as the Superintendent may consider necessary for the use of jail tools.

Civil prison-
ers may
work.

769. Civil prisoners shall be allowed to use books from the jail library to provide themselves with such books at their own cost and to engage in such indoor games or other means of occupation as the Superintendent considers unobjectionable.

Recreation
and use of
Books.

770. An abstract of the rules relating to civil prisoners as contained in this chapter shall be hung in wards occupied by civil prisoners.

Abstract of
the rules to
be hung up

NOTE.—For the rules regarding interviews and communications, *vide* Chapter XXV.

CHAPTER XLI.

STATE PRISONERS.

Under section 2 of Bengal Regulation III of 1818, imprisonment shall be under a warrant signed by the Chief Secretary or one of the Secretaries to Government. Section 3 requires that every officer in whose custody a State prisoner may be placed shall, on the first of January and first of July of each year, submit a report to Government on the conduct, health and comfort of such State prisoner, and under section 5 the same officer shall forward, with such observations as may appear necessary, any representation that the State prisoner may desire to make to Government. Section 6 requires the officers in charge of a State prisoner, as soon after taking such prisoner into his custody as practicable, to report to Government whether the degree of confinement to which he may be subjected appears liable to injure his health.

771. When any person committed for safe custody under the provisions of Regulation III of 1818 is placed in any jail in Assam, an immediate report of the circumstances shall be made by the Superintendent of the Jail to the Inspector-General of Prisons.

772. The reports required by sections 3 and 6 of Bengal Regulation III of 1818, and any representation made by a State prisoner which the Superintendent is bound to submit under section 5, shall be forwarded by him to the Inspector-General, for submission to Government. In reporting the admission of a State prisoner under section 6, the Superintendent shall state the prisoner's name and rank, and shall furnish a copy of the warrant under which he is detained.

773. No State prisoner shall be transferred from one jail to another or transported to Port Blair, or removed from the jail in which he may be confined under Part IX of Act III of 1900, without special orders of Government.

774. On the death of a State prisoner, a special report, with full particulars, shall be made to the Inspector-General for submission to Government. The Chief Secretary's warrant shall at the same time be returned through the Inspector-General with the proper endorsement. The same course shall be followed on the transfer of a State prisoner to another jail or on his release.

775. State prisoners may be allowed tobacco, betel and similar petty indulgences in moderate quantities and under such restrictions as will prevent their giving them to other prisoners.

776. State prisoners shall be allowed to write one letter a month at the expense of Government. There is, however, no objection to State prisoners writing one letter a week provided the money for stamps is found from the amount available for sundry expenditure.

777. State prisoners shall be allowed to provide at their own cost such books as the Superintendent may approve, subject to the control of the Inspector-General.

778. In the case of State prisoners the Superintendent shall follow whatever instructions may be issued by Government, as regards

Statutory provisions.

Superintendent to report to Inspector-General when a State prisoner is received.

Submission of reports and petitions.

Transfers.

Procedure on occurrence of death or transfer.

Supply of luxuries.

Permission to write letters.

Supply of books.

Interviews, food, clothing, etc.

CHAPTER XLII.

UNDER-TRIAL PRISONERS.

Under section 27 of the Prisons Act, 1894, unconvicted criminal prisoners (under-trial prisoners) shall be kept apart from convicted criminal prisoners as well as from civil prisoners. Under section 31 of the Act, an under-trial prisoner shall be permitted to obtain subject to certain restrictions, food, clothing, bedding or other necessaries. The Superintendent shall under section 33 supply clothing and bedding to an under-trial prisoner unable to provide himself with these articles. Section 40 requires that due provisions shall be made for the admission of visitors, including their duly qualified legal advisers to under-trial prisoners.

779. The rules in Chapter XVI apply generally to admission of under-trials. Personal ornaments shall not, however, be taken from the under-trials. Any money subsequently found secreted by them shall be liable to be forfeited.

780. Every under-trial prisoner shall, on admission to jail —

- (a) be required to wash himself and his clothing thoroughly.
- (b) be supplied with a cup, plate and bedding, if necessary ; if the prisoner is destitute or has insufficient clothes, the Superintendent shall issue from the jail store such clothes (not being prison clothing) as may be necessary.
- (c) be provided with an "under-trial's ticket" in the prescribed form.

781. (1) *Classification.*—There will be two classes of under-trial prisoners, first and second class, based on previous standard of living only.

First Class.—Those who by social status, education or habit of life have been accustomed to a superior mode of living.

Second class.—All other under-trial prisoners.

(2) *Classifying Authority*—will be the trying Court, subject to the approval of the District Magistrate.

(3) *Accommodation*—wherever possible, it is desirable to separate —

- (a) First class from second class under-trial prisoners.
- (b) Habituals or those charged with grave offences from first offenders.
- (c) Adolescents from other prisoners.

Cellular accommodation, where available, should be given to first class prisoners and separate sanitary arrangements should be provided if possible.

(4) There shall be separate accommodation for prisoners under-trial both male and female, and when practicable, arrangements shall be made, where male under-trial prisoners under the age of 21 are confined, for separating them altogether from other prisoners, and for separating those of them who have arrived at the age of puberty from those who have not. The under-trial wards shall be strictly segregated from the rest of the jail.

Statutory provisions

Rules in Chapter XVI applicable to under-trials.

Preliminaries after admission.

Classification and accommodation.

Treatment of
approvers.

782. Any under-trial prisoner, who has been reported by the Court to be an approver or whom the committing Court has ordered to be segregated, shall be kept separate at all times from, and shall be prevented from communicating with, other prisoners concerned in the same case. When an approver is detained in custody under section 337(3) of the Code of Criminal Procedure pending the termination of the trial in which he is concerned by the Court of Sessions or High Court, the Jailer shall be responsible that the prisoner is not over-detained.

Supply of
food, etc.,
from outside.

783. Every under-trial prisoner shall be permitted to purchase or receive from private sources food, clothing, bedding or other necessities subject to the following restrictions:—

- (a) such articles shall be examined by the Jailer before being introduced into the jail;
- (b) tobacco, spirituous liquors and intoxicating drugs are prohibited unless prescribed by the Medical Officer on medical grounds;
- (c) all purchases shall be made by the Jailer under the orders of the Superintendent.

Regulations
as to diet,
hair cutting,
recreations,
etc.

784. An under-trial prisoner—

- (a) if a first-class under trial, shall be given the diet for 'A' and 'B' Division convicted prisoners, and if a second class under-trial, the diet for 'C' Division convicted prisoners (*vide* rules 369 and 368). Prisoners in either class may be allowed to supplement this diet by private purchase through the jail authorities;
- (b) may be permitted to cook his food;
- (c) shall not be allowed to crop his hair, to shave or in any way to alter his appearance so as to make it difficult to recognise him. When the Medical Officer considers it necessary, the hair of an under-trial prisoner may be cut, but shall not be cut shorter than is necessary for purposes of health and cleanliness. Prisoners who have been more than a month in jail may, if they so desire, have their hair cut to the length it was at the time of their admission;
- (d) shall not be required to labour. He shall be required to keep himself and his clothing and bedding clean, and may be required to keep the ward, cell or other compartment occupied by him clean if accustomed to do similar labour in his own house. No work of a degrading character shall be exacted from an under-trial prisoner. Such work may be performed for the under-trials' ward by convicts, in charge of a paid jail officer, who shall be responsible that they do not communicate with the under-trial prisoners;
- (e) shall be permitted to wear his own clothes;
- (f) may be provided with harmless indoor games and shall be allowed to possess such books, in addition to those in the jail library, as the Superintendent may approve. Newspapers shall not be allowed.

785. (1) Under-trials may be permitted to work at their trade or may ply calling in the under-trial ward under the provisions in rule 768.

Under-trials
may
ply
their
own

(2) where under-trial prisoners have no trade or calling, or where facilities cannot be given for working at their trade or calling, they may be given any form of light occupation if they desire it, but there must be no compulsion. They will, on no account, be employed outside the jail.

786. Whenever under-trial prisoners are unduly detained in a jail, the Superintendent shall address the District Magistrate or the Sessions Judge concerned with a view to the speedy disposal of their cases or the exercise by them of the power of releasing the prisoner on bail. Should prolonged detention continue, even after the attention of these officers has been drawn to it, the matter should be reported to the Inspector-General, who shall, if necessary, bring it to the notice of Government.

Prevention
of undue de-
tention.

787. (1) The rules in Chapter XVIII relating to jail offences and punishments, are applicable to under-trial prisoners. Before a whipping is administered the consent of the District Magistrate shall be obtained and if fetters are imposed the circumstances shall be reported to the Inspector-General.

Punish-
ments.

(2) Reduction on disciplinary grounds of under-trial prisoners from the higher to the lower class is permissible with the sanction of the District Magistrate, who is the final classifying authority in respect of such a prisoner [see Rule 781(2).]

788. On the date entered in the original warrant, or on the date fixed by any subsequent orders, under-trial prisoners shall be placed in the custody of the police to be taken to Court. At the same time all property belonging to each under-trial prisoner (except cash, which shall, if the prisoner be released in Court, be delivered to him at the jail gate on his application) shall be made over to the officer in charge of the police escort, from whom a receipt for it shall be taken.

Production
of the under-
trial in
Court.

789. On receipt of a warrant or order of revision, directing the release of an under-trial prisoner, he shall be at once released (unless under-trial at the order be received after the wards are locked up for the night, in the jail, which case he shall be released immediately after the wards are opened next morning), and the warrant of detention and order of release shall be returned to the Court which issued them, with an endorsement by the Jail Superintendent certifying that the order of release has been carried out. Any property which has been taken possession of by the jail authorities shall be made over to the prisoner.

790. If an under-trial prisoner be discharged in open Court, or released on bail while attending the Court, by the Magistrate or Sessions Judge, a notification of the fact, under the signature of the officer so discharging or releasing him, shall be sent on the same day to the Jailer.

Release of
under-trial at
Court.

791. If an under-trial is so seriously ill as to be likely to die the Superintendent shall report the fact to the Court together with a full medical statement of the case, in order that if the Court sees fit, the prisoner may be released on bail.

Procedure
when under-
trial is se-
riously ill.

792. When an under-trial dies in jail, the Superintendent shall at once send intimation to the Court under whose authority such under-trial was detained.

When un-
der-trial dies.

CHAPTER XLIII.

PRISONERS IN "A" AND "B" DIVISIONS.

Classification
of "A" and
"B" Division
prisoners.

Separation
from "B"
and "C"
class prison-
ers.

Clothing.

Bedding.

Diet.

Letters and
interviews.

793. Rule 209 deals with the classification of "A" and "B" Division prisoners.

Concessions to 'A' Division prisoners.

794. (1) Prisoners of this division shall be kept separate from 'B' and 'C' Division prisoners. Except when this is imposed as a jail punishment, the imprisonment shall in no case involve anything of the nature of separate confinement. Subject to this condition, there is no objection to prisoners being accommodated in cells, where cellular accommodation is available.

(2) They shall be allowed to wear their own clothing, but this concession should not cover the wearing of any political emblem of any kind. Clothing supplied at Government expense shall be the prison clothing laid down for 'B' Division prisoners. They shall also be allowed necessary toilet requisites.

(3) They shall be allowed to use their own bedding subject to medical advice and also mosquito nets. Furniture according to the sanctioned scale will be supplied at Government expense.

(4) They shall receive jail diet as laid down for 'B' Division prisoners, but shall be allowed additional food by private purchase through the jail authorities subject to medical advice. The food so imported should be of simple character and the concession must not be made an excuse for the importation of luxuries. The cooking of imported food will be carried out in the general kitchen, but on a separate stove and by a selected cook of high caste. They shall not be permitted to import cooked food. They may be permitted to use their own feeding utensils, if they so desire.

(5) They shall be allowed to write and receive one letter once a fortnight but in case of urgent necessity this rule may be relaxed at the discretion of the Superintendent. The subject matter of all letters shall be limited to purely private affairs and there must not be any reference to jail administration and discipline, to other prisoners, or to politics. All letters written or received shall be first countersigned by the Superintendent in token that the contents have been communicated to him. Paper, pen and ink shall be supplied only as required for immediate use. Writing materials may also be purchased at the expense of the prisoners. All papers and note books used should be paged, numbered and suitably stamped by the Superintendent for purposes of check and to prevent secret correspondence.

They shall be permitted to see their friends and relations once a fortnight. The number of such visitors shall ordinarily be limited to three except in the case of a wife and children. Interviews shall be held in the place usually set apart for the purpose at such time as the Superintendent shall appoint, and in the presence of an officer not lower in rank than an Assistant Jailer. The conversation shall be limited to private and domestic affairs only and no discussion of political matters or of jail administration and discipline shall be allowed.

Friends and relations of prisoners should be warned that the publication of the matters discussed at interviews or of the substance of letters received from prisoners will entail the withdrawal or curtailment of these privileges.

(6) They shall be permitted to obtain and read books and periodicals from the jail library, and to have their own books and magazines, subject to censorship by the Jail Superintendent.

Facilities for reading and newspapers.

Only newspapers sanctioned by the Local Government will be supplied. One copy of the "Statesman" will be provided at Government expense.

Every Christian prisoner shall be supplied with a Bible and Prayer Book of the denomination to which he belongs.

(7) Literate prisoners may be given lights up to 10 P.M.

Lights.

(8) They shall not be permitted to import alcohol, tobacco or other intoxicating drugs, nor betel leaves and nuts.

Luxuries forbidden.

(9) The tasks allotted in the case of those sentenced to rigorous imprisonment shall be assigned after due consideration on medical grounds and with careful regard to the capacity, character, previous mode of life and antecedents of the prisoners.

Prison tasks.

(10) The Superintendent shall have the power to inflict any of the punishments detailed in Rules 304 and 305 of Chapter XVIII of the Assam Jail Manual with the exception of Nos. 5 and 11 in the minor punishments lists and Nos. 2(1), 7, 8 and 10 in the major punishments list. The punishment of whipping cannot be inflicted without the previous sanction of the Local Government.

Punishments.

(11) They shall not be handcuffed or fettered except by way of punishment, or when, if this is not done, there would be danger of the prisoner's escape or of an attack being made on the jail staff, and then only with the previous sanction of the Inspector-General of Prisons.

Handcuffing and fetters.

(12) They shall not be asked to perform any menial duties. All such duties shall be performed, at fixed times, by a small gang of ordinary prisoners. An officer not lower in rank than an Assistant Jailer shall be present during the time such gang is engaged on these duties. They shall, however, keep their utensils, clothing and bedding clean and neatly arranged.

Exemption from menial duties.

(13) Prisoners of this class, who are not sentenced to labour shall be permitted to take such exercise as the Superintendent thinks necessary at such time and place as he may direct. The opening of barracks, use of latrines and bathing shall be carried out in accordance with jail routine. They shall stand to attention on the appearance of the Superintendent or of an official or non-official visitor.

Exercise and general discipline.

(14) In other respects, prisoners of this class should be treated in the same way as ordinary prisoners subject to the rules of the Jail Manual.

In other respects, rules for ordinary prisoners to be followed.

(15) The Superintendent shall have power, in the event of a prisoner misconducting himself, to withdraw individual privileges, but the power to remove a prisoner from the "A" Division to "B" Division shall only be exercised by the Local Government.

Withdrawal of privileges.

Local Gov- (16) The Local Government reserves to itself the power to relax
ernment may any of the above rules for special reasons.
relax rules.

Accommoda-
tion.

Concessions to "B" Division prisoners.

795. (1) Prisoners of this division shall be kept apart from 'A' and 'C' Division prisoners. Except when this is imposed as a jail punishment, the imprisonment shall in no case involve anything of the nature of separate confinement. Subject to this condition, there is no objection to prisoners being accommodated in cells, where cellular accommodation is available.

Diet.

(2) They shall be given the diet prescribed in Rule 369.

Clothing.

(3) They shall be given the clothing and bedding prescribed under Rule 395.

Letters and
interviews.

(4) Prisoners shall be allowed to write and receive one letter a month, and to have interviews once a month. Subject to this, all the other provisions of clause (5) of Rule 794 shall be applicable.

Facilities
for reading
and news-
papers.

(5) The provisions of clause (6) of Rule 794 shall be applicable, except that one copy of the weekly edition of the "Englishman" instead of the "Statesman" shall be supplied at Government expense.

Other
rules which
are applica-
ble.

(6) The provisions of clauses 7 to 15 inclusive of Rule 794 are also applicable to this class of prisoners.

GENERAL.

Selected
Jails for "A"
and "B" Divi-
sion
prisoners.

796. The Inspector-General of Prisons will decide according to circumstances, and to the accommodation available, the jail to which prisoners shall be transferred.

Superintendents will obtain the previous sanction of the Inspector-General of Prisons for transfer of those 'A' and 'B' Division prisoners whose classification has been confirmed by the Local Government.

Transfer
of "A" and
"B" Division
convicted
prisoners
and of first
class under-
trial pri-
soners.

797. (1) *Railway or steamer accommodation.*—Ordinary third class railway or steamer accommodation should be provided but where suitable third class carriages with proper arrangements are not available, intermediate class accommodation should be arranged. 'A' and 'B' Division prisoners and first class under-trial prisoners should be allowed to travel by a higher class than 3rd class at their own expense. In this case they will also be required to pay the difference in fares of their escorts. This must be fully explained to the prisoners concerned before the arrangements for their transfer are made.

(2) *Diet on the journey.*—Diet should be given approximately of the same type as laid down in Rule 369.

(3) *Conveyance.*—'A' and 'B' Division convicted prisoners and first class under-trial prisoners should, when on transfer, be taken in a motor lorry or closed taxi to and from stations.

(4) Handcuffs should only be used if they are necessary. This is a matter for the police to decide.

Exhibition
of the rules.

798. A copy of the rules relating to 'A' and 'B' class prisoners shall be placed in each cell or ward in which such prisoners are detained.

CHAPTER XLIV.

PRISONERS SENTENCED TO SIMPLE IMPRISONMENT.

Under section 53 of the Indian Penal Code the imprisonment of Statutory a criminal prisoner may be either rigorous, that is, with hard labour provisions. or simple. Section 36 of the Prison Act, 1894, requires that the Superintendent shall provide for the employment (so long as they so desire) of prisoners sentenced to simple imprisonment, but no such prisoner shall be punished for neglect of work except by such alteration in the scale of his diet as may be prescribed by rule.

799. Simple imprisonment convicts undergo imprisonment without labour, but any such convict may elect to labour and the Superintendent shall arrange for his employment so long as he desires to perform labour.

800. Except as otherwise provided in this chapter, the rules in the Jail Manual apply to convicts sentenced to simple imprisonment.

801. A convict sentenced to simple imprisonment :—

- (a) shall be permitted to wear his own clothes but a military prisoner shall not be permitted to wear military uniform in jail and if he has nothing but uniform he shall be provided with suitable prison clothing ;
- (b) shall be permitted to retain his hair as worn on admission and it shall not be cut closer than is necessary for the purposes of health and cleanliness ;
- (c) shall rise and retire to rest at such hours as may be prescribed by the Superintendent of the Jail ;
- (d) shall clean his own cell, barrack or yard and keep his bedding and clothing upon in a clean and orderly condition ;
- (e) shall not be called upon to perform duties of a degrading or menial character unless he belongs to a class or community accustomed to perform such duties ;
- (f) shall, with the approval of the Superintendent, be allowed to possess and use his own books in addition to those available from prison library.

802 The Superintendent shall supply every simple imprisonment convict with a cup, plate and necessary bedding and clothing.

803. A simple imprisonment convict shall not be liable to minor punishment No. 2, Rule 304 or to loss of privileges admissible under the remission system, unless he has elected to labour and is earning remission.

804. Simple imprisonment convicts who do not elect to labour shall remain during the day time in the part of the jail assigned to them, and shall not enter the factory enclosures or communicate with the labouring convicts.

805. A simple imprisonment convict who has elected to labour—

- (a) may be allowed to select the kind of labour on which he wishes to be employed .
- (b) shall receive the diet of a labouring convict if he performs a reasonable amount of work ;

Not bound to labour.

Jail rules generally apply.

Disciplinary restrictions.

Clothing and utensils.

Not liable to certain punishments.

Restriction of movements of non-labouring convicts.

Condition of labour.

- (c) shall be eligible to receive the benefits of the remission system;
- (d) shall be allowed to discontinue work if he so desires;
- (e) shall not receive any remuneration for labour;
- (f) shall not be required to wear jail clothing except when employed outside the jail;
- (g) shall not be allowed to read books during working hours;
- (h) shall not be punished for neglect of work or short work or refusing to work except by alteration of the diet from the labouring to the non-labouring scale;
- (i) shall be eligible for promotion to the convict officer grades if he elects to labour throughout the term of his imprisonment;

Non-labouring convicts to take exercise.

806. A convict who does not elect to labour may be compelled to take walking or physical exercise for not more than an hour in the morning and an hour in the evening if the Superintendent and the Medical Officer consider it advisable in the interests of his health.

Separate accommodation for those convicted of offence involving no moral stigma.

807. If a convict in "C" Division sentenced to simple imprisonment for an offence involving no moral stigma desires to have separate accommodation apart from other convicts, the Inspector-General, acting on the advice of the District Magistrate, shall have authority to provide him with such accommodation if available.

Rules to be exhibited.

808. A copy of the rules in this chapter shall be hung in each barrack in which simple imprisonment convicts are confined.

NOTE.—For diet rules—*vide* Rules 368 and 369.

CHAPTER XLV.

PRISONERS SENTENCED TO SOLITARY CONFINEMENT.

The rules in this chapter refer only to solitary confinement inflicted as a judicial punishment under section 73 and 74 of the Indian Penal Code, except in so far as the note at the end of the chapter refers to other kinds of cellular confinement. Under section 49 of that Code the word "month" denotes a calendar month, and the terms of solitary confinement mentioned in section 73, besides the reference to "any one month" in section 73, must be so interpreted. Accordingly no period of solitary confinement exceeding 14 days, or, if the imprisonment is for more than three months, exceeding seven days, can be inflicted in any one calendar month.

Statutory provisions.

Under section 29 of the Prisons Act, 1894, a cell used for solitary confinement must be provided with the means of communication and every prisoner so confined for more than twenty-four hours shall be visited at least once a day by the Medical Officer or Medical Subordinate.

809. A prisoner sentenced to solitary confinement shall be placed in a separate cell, so that he is entirely secluded from communication with but not from sight of other prisoners. He shall be so confined for the periods laid down in section 74 of the Indian Penal Code, and such periods shall not be broken except upon the recommendation of the Medical Officer.

Method of executing sentence.

810. A sentence of imprisonment for a year and a day, of which three months shall be undergone in solitary confinement, though legal under section 73, cannot be executed under section 74, because not more than 84 days of solitary confinement can be inflicted in any one year. A similar discrepancy occurs if a prisoner is sentenced to four months' imprisonment of which one is to be solitary, or to seven months' imprisonment of which two are to be solitary. In such cases the Superintendent should take action as laid down in Rule 226(6). The execution of solitary confinement need not be postponed until the expiry of appeal time.

Calculation of term.

811. When a prisoner is sentenced to imprisonment under two separate warrants, of which the second alone awards any period of solitary confinement, the solitary confinement shall not be executed during the duration of the first term of imprisonment. Similarly, if the term of solitary confinement under one warrant is too long to be executed completely during the term of imprisonment awarded under that warrant, the balance shall not be carried out during any subsequent term of imprisonment undergone under a second warrant.

When two sentences are imposed.

812. A period of cellular or separate confinement awarded as a jail punishment under the Prisons Act shall not be carried out in immediate continuation of a period of solitary confinement forming part of a judicial sentence, but a period must elapse equivalent to the period of judicial solitary confinement last undergone.

Restriction on similar jail punishments.

Prisoner to be medically examined.

Search of prisoner and cell.

Ticket and entry in Register.

Record of period of confinement in cell ticket Register, history-ticket and warrant.

Daily visits by medical officer.

Procedure when confinement becomes injurious. Procedure when convict proves permanently unfit.

Exercise.

Airing of bedding.

Occupant to clean cell.

Precautions for prisoner's safety.

813. No prisoner shall be placed in solitary confinement as a judicial punishment until the Medical Officer has certified that he is fit to undergo it.

814. Every prisoner before being placed in solitary confinement shall be thoroughly searched, and any article which it is considered dangerous or inexpedient for him to retain shall be removed. Both the cell and the person of the prisoner shall be carefully searched daily so long as the solitary confinement continues.

815. On the admission of a convict sentenced to solitary confinement a solitary cell ticket shall be prepared and the convict's name entered in the register of solitary confinement.

816. (1) When a convict has been placed in cell, his ticket showing the date of commencement of the period of solitary confinement shall be posted outside the cell. At the termination of each week of his solitary confinement the convict shall be paraded before the Superintendent and the date of termination of the week's solitary confinement shall be entered in the ticket. The period undergone should then be recorded in the register of solitary confinement.

(2) On each occasion on which a prisoner has undergone solitary confinement as a judicial punishment, the Jailer shall note on the back of the prisoner's warrant and on his history-ticket the date on which the prisoner was placed in the cell, the date on which he was removed, and the number of days passed in such confinement, and the Jailer and Superintendent shall initial the entries.

817. The Medical Officer or Medical Subordinate shall visit daily every convict undergoing solitary confinement.

818. If the Medical Officer is of opinion that solitary confinement is likely to prove injurious to the mind or body of any convict, he shall forthwith order him to be removed from the cell and shall record the order in his Minute Book.

819. When a convict is declared permanently unfit to undergo the solitary confinement to which he has been sentenced, or any portion thereof remaining, the Superintendent shall apply to Government through the Inspector-General for the remission of the sentence of solitary confinement.

820. Prisoners undergoing solitary confinement shall be permitted to take such exercise in the open air as the Medical Officer shall consider to be necessary for their health.

821. The bedding of prisoners in solitary confinement shall be taken out of the cells during the day and exposed to the sun and air for as long a period as the weather permits.

822. The occupant of each cell shall be required to keep it scrupulously clean.

823. A warden or convict warden shall at all times be on duty over the cell in which any prisoner is undergoing solitary confinement and every prisoner so confined shall be inspected whenever the officer on guard is changed. In case of sickness immediate notice shall be

given to the Medical Subordinate on duty who shall visit the cell without delay and examine the prisoner. If necessary, the Jailer may cause the man to be removed to the hospital, reporting his action to the Superintendent in his report for the day.

824. When a convict having an uncompleted sentence of solitary confinement is transferred to another jail, the Superintendent shall enter on the back of the warrant the details of the periods of solitary confinement undergone, and shall forward with the prisoner his solitary cell ticket.

NOTE.—Rules 814, 817, 818, 820, 821, 822 and 823 shall also apply when cells are used for separate or cellular confinement of prisoners under section 46(8), (10) and (11) of Act IX of 1894, or for other reasons such as the separation of habituals or the observation of lunatics or sick prisoners.

Procedure when transfer takes place before completion of solitary confinement.

CHAPTER XLVI.

EXECUTION OF WHIPPING AS A JUDICIAL PUNISHMENT.

Statutory provisions.

The mode in which a sentence of whipping, imposed by a Criminal Court, shall be inflicted is laid down in sections 390 to 395 of the Code of Criminal Procedure. The following rules are supplementary to these directions.

Convicts not to be requisitioned for whipping outside jail.

825. When an accused person is sentenced to whipping only by order of a judicial court the sentence shall be executed at such place and time as the court may direct. When a whipping is to be carried out in a court or its precincts the punishment should be administered by some person selected by the court, but a convict should not be requisitioned from the jail for the purpose.

Mode of execution in jail.

826. (1) Every sentence of whipping carried out at a jail shall be executed within the jail enclosure.

(2) The prisoner must be certified by the Medical Officer to be fit to undergo the whipping which shall be administered in the presence of the Superintendent and Medical Officer or Medical Subordinate in the manner prescribed in Rule 321(5).

Limit to number of stripes.

827. The total number of stripes inflicted at one time must not exceed thirty. If a prisoner is sentenced to thirty stripes in each of two cases disposed of at the same time, only thirty stripes shall be inflicted. If a prisoner, who has already received thirty stripes for one offence, is subsequently sentenced to a number of stripes for another offence, there is nothing to prevent his being whipped again.

NOTE.—In the case of a juvenile offender under the age of 16 years, sentenced to whipping by a Criminal Court, not more than 15 stripes are to be inflicted.

Time when whipping is to be carried out when whipping is in addition to a sentence of imprisonment.

828. When a prisoner is sentenced to whipping in addition to imprisonment, the whipping shall be inflicted on the 16th day from the date of sentence, if no appeal has been filed. If the prisoner has appealed, the whipping shall not be inflicted until receipt of the order of the appellate court confirming the sentences but shall be carried out as soon as possible thereafter. If no order of the appellate court is received either confirming the sentence or setting aside the sentence of whipping before the term of imprisonment expires, the punishment of whipping shall not be inflicted and the prisoner shall be released unconditionally.

Procedure when prisoner is found unfit.

829. If the prisoner, in a case falling under Rule 827, is declared by the Medical Officer to be temporarily unfit for the whipping, it shall be postponed until the Medical Officer is able to certify that the prisoner is fit: but if the prisoner is certified to be permanently unfit, the warrant shall be returned to the sentencing court for necessary action under section 395 of the Criminal Procedure Code.

Endorsement on warrant of

830. After the whipping has been duly inflicted the Superintendent shall endorse a certificate on the warrant to that effect, recording the date of the infliction.

831. When a prisoner is sentenced to a period of imprisonment in one case and to another period of imprisonment with stripes in another case, the sentence of whipping in the second case should be carried out on the fifteenth day after the date of sentence, or, on receipt of the order confirming the sentence on appeal, even though the execution of the sentence of imprisonment in the second case has to be postponed, under section 397 of the Code of Criminal Procedure, until the sentence passed in the first case has been served. Case of two sentences.

832. The name and particulars of any criminal sentenced to Record whipping only, and sent to the jail for the execution of the sentence, when whipping only is imposed, shall not be entered in any jail Register or Return, but the Jailer shall record the fact of the execution of the whipping in his Report Book.

CHAPTER XLVII.

PRISONERS SENTENCED TO TRANSPORTATION.

Statutory provisions.

Under section 58 of the Indian Penal Code a convict sentenced to transportation shall, pending deportation, be dealt with in the same manner as if sentenced to rigorous imprisonment and shall be held to have been undergoing his sentence of transportation during the term of his imprisonment.

Under section 32 of the Prisoners Act, 1900, the Governor-General in Council may appoint places to which persons under sentence of transportation shall be sent; and the Local Government, or some officer authorised in this behalf by the Local Government, shall order the removal of such persons to the places so appointed.

Procedure in transfer.

833. A prisoner under sentence of transportation shall be transferred to the Andaman Islands only if he is selected in accordance with the special instructions issued by the Government of India from time to time. The nominal roll of the convict shall be forwarded to the Chief Commissioner for approval, and when approved the prisoner shall be transferred to the Presidency Jail, Calcutta, so as to arrive there not more than 12 or less than 10 days prior to the sailing of the Steamer. The Superintendent of the Presidency Jail will arrange for the onward journey. The convict shall be provided with ordinary prison clothing on the winter scale and one *dhoti*, one *katora* and one *thali* (aluminium). The following documents should be handed over to the police escort:—

Conviction warrant in duplicate,

Descriptive roll,

Copy of judgment, and

Statement of remissions.

What convicts cannot be deported. 834. No convict may be deported who suffers from any of the following diseases:—

- (i) blindness of both eyes to such an extent as to interfere with the performance of ordinary labour,
- (ii) insanity,
- (iii) idiocy,
- (iv) leprosy,
- (v) phthisis pulmonalis,
- (vi) epilepsy.

CHAPTER XLVIII.

PRISONERS SENTENCED TO DEATH.

When any person is sentenced to death by a Court of Session, the Statutory sentence shall not be executed unless it is confirmed by the High Court provisions. (section 374, Criminal Procedure Code). When the sentence has been confirmed by the High Court, the Court of Session shall issue a warrant to the Superintendent of the Jail in which the prisoner is confined to cause the sentence to be carried into effect (section 381, Criminal Procedure Code). If a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed and may, if it thinks fit, commute the sentence to transportation for life (section 382, Criminal Procedure Code).

Under section 30 of the Prisons Act, 1894, a prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it inexpedient or dangerous to leave in his possession. Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

835. Every convict under sentence of death shall immediately on arrival in prison after sentence be searched by, or in the presence of the Jailer, and every article of clothing and all articles of every description shall be taken from him. After having furnished him with a suit of prison clothing and with three blankets (one blanket being instead of the usual tat bedding) and earthenware utensils, the Jailer shall remove him to the selected cell apart from all other prisoners and forthwith make arrangements for his watch and ward.

Search of
prisoner.

836. (a) Every convict under sentence of death shall be confined in a cell apart from all other prisoners and shall be placed by day and by night under the charge of a special guard.

Confinement
in a con-
demned cell.

(b) The Jailer shall examine every cell in which any convict under sentence of death is to be confined and shall satisfy himself as to its fitness and security. He shall record the result of the examination in his Report Book.

837. From the time the prisoner is received back from Court after sentence, he or she shall be placed under the constant charge and observation of a paid warden of the jail, both day and night. Convict officers shall not be employed on this duty. If the ordinary guard of a jail is not sufficient, the Superintendent may appoint extra guards who shall be employed on ordinary duties of the jail, the guarding of the condemned cell being entrusted to trained men of the permanent staff.

Provision of
guard.

838. When there are two or more prisoners sentenced to death confined at the same time in cells situated at some distance from one another, a separate guard shall be placed over each cell; but if the cells are contiguous, one sentry shall be posted to guard three prisoners in continuous cells. For any number of cells in excess of three, an extra guard shall be posted, even when the cells are contiguous.

Guard over
two or more
condemned
prisoners.

Duties of
guard.

839. The warden on duty over condemned convicts shall be armed with a baton and provided with a whistle, and shall patrol up and down past the front of the cells so that each convict may be brought into view at short intervals. The warden shall allow no person to go near or communicate with the convict except the Superintendent, the Medical Officer, the Jailer, the Assistant Jailer, the Medical Subordinate, the Head Warden on duty, authorized visitors, jail officers on night rounds and the authorized menials of the jail under proper guard. He shall sound the alarm in all cases of emergency.

Custody of
key of cell.

840. The key of the cell in which a condemned convict is confined shall be kept by the Head Warden on duty and the duplicate shall be stored in the key chest at the main gate. The Head Warden shall, in case of emergency, such as an attempt to commit suicide, enter the cell and take necessary action.

Precaution
in opening
cell door.

841. The door of the cell in which a condemned convict is confined shall not ordinarily be opened unless the convict has been first handcuffed. This precaution need not be taken if three warders and a superior officer are present.

Entry of
menials into
cells.

842. A convict sweeper or any other jail servant permitted to enter the cell of a condemned convict shall be carefully searched and kept under close observation by the Head Warden on duty.

Light in the
cell.

843. A lantern shall be kept burning from sunset to sunrise in front of the grated door of every cell and shall be so placed as to throw a good light on the condemned convict.

Supervision
of guard.

844. The Head Warden on duty shall visit the cell occupied by a condemned convict on his rounds and also at uncertain hours during the day and night and satisfy himself that the sentry is on the alert, the convict present, the cell secure and the lantern burning brightly. He shall forthwith report to the Jailer any neglect on the part of the sentry or unusual or suspicious conduct of the convict.

Daily search
of prisoner.

845. The Jailer or Assistant Jailer shall morning and evening carefully search the convict and examine his cell and satisfy himself that the convict has in his possession no forbidden articles and that his cell is sound and secure.

Handcuffs
and fetters.

846. A condemned prisoner shall not be put in fetters or handcuffs unless danger to the guard or to the prisoner himself may reasonably be apprehended from the prisoner's violence. If it is deemed necessary to put on fetters or handcuffs, the circumstances and the reasons therefor, shall be reported to the Inspector-General.

Diet.

847. (1) A prisoner under sentence of death shall be allowed the ordinary diet of a labouring prisoner; and no indulgences shall be given in the shape of extra diet or sweetmeats, except under the written recommendation of the Medical Officer.

(2) A condemned prisoner's food shall be given him after examination by, and in the presence of the Jailer.

Exercise.

848. Every prisoner under sentence of death shall be allowed such exercise in the open air every day under strict and careful watch as the Medical Officer may consider necessary.

849. Condemned prisoners who can read shall be provided at their request, with a supply of such books as are in the jail library. Subject to the control of the Superintendent, they shall also be allowed to purchase at their own cost, or obtain from their relations or friends any other books which they may wish for, provided the Superintendent may, in deserving cases, purchase books for the prisoners at the expense of Government. Prisoners who smoke shall be given tobacco. All reasonable indulgences shall be allowed in the matter of interviews and communications with relatives, friends and legal advisers. It shall be the duty of the religious teacher of his persuasion attached to the jail to visit the condemned prisoner daily and if he expresses a desire to see any other approved religious minister, endeavours shall be made to comply with this request.

850. (1) The preceding rules are applicable to female criminals under sentence of death except that—

- (a) no female shall be fettered and handcuffs shall not be used unless the Superintendent is of opinion that the woman might seriously injure herself if not restrained by these means;
- (b) the duty of searching shall be made by the female warden, the Jailer keeping within hearing distance but not in sight of the condemned prisoner while the search is being made. The cell shall, however, be examined by the Jailer.

(2) A female criminal condemned to death shall be confined in a cell in the female part of the jail, if available.

851. Rules regarding appeals of convicts sentenced to death to the High Court are contained in Rule 482.

852. The Jailer or Assistant Jailer shall maintain on the history-ticket of every convict under sentence of death a continuous record of events, with dates relating to appeals, petitions of mercy, interviews, etc.

853. Every prisoner condemned to death shall have the privilege of petitioning for mercy. The following rules shall be observed by Superintendents of Jails in connection with petitions for mercy from convicts under sentence of death:—

I. The date for execution of a sentence of death is fixed by the Sessions Judge on receipt of an order of confirmation from the High Court. The warrant of execution shall fix a time for execution at an interval of not less than 21 days and not more than 28 days from the date of receipt of the orders of confirmation.

II. Immediately on receipt of a warrant for execution consequent on the confirmation by the ^{High} _{Judicial Commissioner's} Court of a sentence of death, the Jail Superintendent shall inform the convict concerned that if he desires to submit a petition for mercy it should be submitted in writing within seven days of the date of such intimation.

III. If the convict submits a petition within the period of seven days prescribed by Rule II it should be addressed both to the Local Government and to the Governor-General in Council, and the Superintendent of the Jail shall forthwith despatch it to the Chief Secretary to the Government of

Privileges and visitors.

Application of rules to females.

Appeals to the High Court.
History-ticket.

Procedure in petitions for mercy.

Assam, Shillong, together with a covering letter reporting the date fixed for the execution and shall certify that the execution has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within 15 days from the date of the despatch of the petition, the Superintendent shall telegraph to the Secretary to the Local Government, drawing attention to the fact, but he shall in no case carry out the execution, before the receipt of the Local Government's reply.

If orders rejecting the petition, are received before the date fixed for execution, the Superintendent shall carry out the execution on the date fixed. If the orders are not received until after that date, the Superintendent shall, on receipt of the orders, fix a fresh date not more than 7 days after the receipt of the orders.

IV. If the convict submits a petition after the period prescribed by Rule II, the Superintendent of the Jail shall at once forward it to the Local Government and at the same time report the substance of it and the date fixed for execution by express telegram, requesting orders whether the execution should be postponed and stating that, pending a reply, the sentence will not be carried out. If such petition is, however, received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once report it to the Local Government and at the same time forward the substance of it, by express telegram giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.

If the Superintendent receives orders to postpone execution he shall so postpone the execution, and on receipt of final orders rejecting the petition, shall fix a fresh date not more than 7 days from the receipt of such order, provided that such date be not earlier than the original date of execution.

V. If the convict submits a petition for mercy addressed to His Majesty the King-Emperor or the Secretary of State, the Superintendent shall at once forward it to the Local Government and shall at the same time report the substance of the petition and the date of execution to the Local Government by express telegram.

He shall not further postpone execution unless especially ordered by the Local Government.

If the Superintendent receives order to postpone execution, he shall so postpone the execution, and on receipt of final orders rejecting the petition, shall fix a fresh date not more than 7 days from the receipt of such order, provided that such date be not earlier than the original date of execution.

VI. In the event of its coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty, anything in the foregoing rules notwithstanding, to report the circumstances by express telegram to the Local Government and ask for its orders and to defer execu-

If the orders of Government declining to interfere are received before the date fixed for execution, the execution will be carried out on the original date. If such orders are not received until after such date the Superintendent will, on receipt of the orders, fix a fresh date not more than 7 days after the receipt of the order.

VII. All urgent communications, whether by letter or telegram, conveying the orders of Government in the case of prisoners sentenced to death, which may be received in the absence of the Superintendent of the Jail, shall be opened without delay by the Jailer. Such communications, when not made by telegram, will be addressed by the Secretariat in clearly marked envelopes. The Superintendent shall at once repeat back to the Chief Secretary to the Government of Assam, Shillong, all telegrams communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipts.

VIII. Every change in the date fixed for the execution of a capital sentence shall be reported without delay to the Sessions Judge and the Magistrate of the district.

IX. Covers containing petitions from prisoners condemned to death shall be superscribed "APPEAL FOR MERCY" and "URGENT" and shall be registered in the Post Office.

In all telegrams concerning petitions for mercy from condemned prisoners the names of prisoners shall be written in capitals in the fair copies sent to the telegraph office for despatch.

X. All correspondence, whether by letter or telegram regarding appeals for mercy from convicts under sentence of death should be addressed to the Chief Secretary to the Government of Assam, Shillong.

XI. The following procedure shall be followed in the case of representations from prisoners sentenced to death who appeal to the Privy Council :—

(a) If intimation is received from, or on behalf of a convict that it is intended to apply to the Judicial Committee of the Privy Council for special leave to appeal, the date fixed for execution of the appellant and of other convicts who were jointly tried and sentenced to death but have not filed an application for leave to appeal is postponed and a date, three weeks later, is fixed, before which proof must be furnished to the Deputy Commissioner that the necessary papers, instructions and funds have been sent to a firm of solicitor in England. The convict and his adviser are informed of the date so fixed, and the papers and funds which must be sent. They are informed at the same time that unless the application for special leave is lodged in the Privy Council Office before a further date, nine weeks from the date of intimation, intimation will be received from the India Office, and the execution will not be further postponed.

- (b) If proof is not furnished before the date fixed that the necessary papers, instructions and funds have been sent to a firm of solicitors in England, the execution is not further postponed unless the Local Government is satisfied that the delay is due to no fault of the convict or his adviser. If in any special case the Local Government for this reason allows an extension of the date for furnishing of proof, the further date within which proof must be furnished is intimated to the convict or his adviser, and the second date specified in the preceding clause is correspondingly extended.
- (c) If proof is furnished before the date fixed, the convict or his adviser is required to intimate the name of the firm of solicitors to whom the papers, instructions and funds have been sent, and the name of the firm and the further date before which the application for special leave must be lodged in the Privy Council Office are communicated to the India Office by telegram directly by the Local Government, a copy being sent to the Government of India for information.
- (d) After proof is furnished that the necessary papers, instructions and funds have been sent to England, the execution of the appellant and other condemned persons who were jointly tried with him but have not applied for leave to appeal to the Privy Council is invariably postponed until intimation is received by telegram from the India Office that the application for special leave has not been lodged in the Privy Council Office by the date fixed, or by such date as the Secretary of State may have decided to extend the date to, or that the application has been dismissed by the Judicial Committee. The intimation is communicated by telegram, but the sentence shall be postponed until receipt from the Government of India of the post-copy of the telegram. If the Judicial Committee alters the sentence of the appellant, the Local Government will reopen the case of other condemned prisoners whose execution was stayed and direct the District Officer and the Superintendent of Jail concerned by telegram to stay their execution till further orders.

NOTE (i).—The necessary funds will be a minimum of 50 guineas if one Counsel is engaged but will be 80 to 100 guineas if the record is bulky or more than one Counsel is engaged. The convict and his adviser should, therefore, be advised on receipt of intimation of intention to apply for special leave, that the 50 guineas (say Rs. 800) must be sent by the date fixed, and that it is not unlikely that 30 to 50 guineas (say Rs. 500 to Rs. 800) more will be required.

NOTE (ii).—The necessary papers will include two copies of the printed paper book and a certified copy of the judgment of the High Court on appeal.

NOTE (iii).—Immediately on receipt of the intimation that a convict intends to move the Privy Council, the District Officer should send a telegram to Government direct intimating at the same time the date fixed before which proof must be furnished by the convict or his adviser and stating definitely that the execution has been postponed. If the proof is not furnished before the date fixed, a fresh date should be fixed for the execution and Government should be informed by the District Officer direct by telegram. Government should also be informed by telegram if any special reason occurs for an extension of the period for furnishing proof.

854. Under orders of the Government of India, the following Use of code single code words are to be substituted for certain groups of words words in which are frequently used in telegrams in connection with petitions for telegrams. mercy from prisoners condemned to death :—

Governor General in Council declines to interfere

on behalf of the following prisoner(s) ... Declines.

under sentence of death at (in) following jail ... Murder.

Will be confirmed by letter to-day ... Subsequent.

Reply.

Intimation received that Governor General in
Council has declined to interfere with sentence } Deciduous.
of death passed on following prisoner(s)

855. When a convict under sentence of death shows signs of When con-
insanity after conviction, the Superintendent shall stay the execution demned pri-
of the sentence of death and inform the District Magistrate who shall soner shows
submit immediately a report through the Sessions Judge, for the signs of in-
orders of Government. sanity.

856. Should a female prisoner sentenced to death be found to Where fe-
be pregnant the fact shall be certified to by the Medical Officer and male prisoner
shall be noted by the Superintendent on the warrant, which shall found preg-
(after a copy has been taken) be returned to the Sessions Judge, for
the orders of the High Court, under section 382 of the Code of Crimi-
nal procedure.

857. If a female prisoner sentenced to death declares herself to Or alleges
be pregnant, and the Medical Officer is unable to certify to the pregnancy.
truth or otherwise of the statement, he shall record the fact in writing,
and the interval of time necessary to enable him to satisfy himself on
the point. The statement shall be attached to the warrant and for-
warded to the Sessions Judge, a copy being kept for record.

858. When the execution of a female has been suspended under Orders of
either of the two last preceding rules, it shall not afterwards be carried Government
out without the orders of Government, for which the Superintendent to be taken.
shall apply through the Inspector-General.

859. When the evidence of a convict under sentence of death is Prisoner's
required, the Court shall take it at the jail and shall not require the attenda n c e
convict's attendance under the Prisoners' Act, III of 1900. But if as witness.
the presence of the convict is required by a Sessions or High Court for
the purpose of taking additional evidence under section 428 of the Code
of Criminal Procedure, the prisoner's attendance may be required
under the Prisoner's Act.

860. When the date of execution has finally been fixed the Procedure
Superintendent shall at once inform the District Magistrate and the when date of
nearest relations of the condemned convict by post and through the execution is
District Magistrate and shall arrange for the services of an executioner.
In case no executioner is available in the local jail, the Superintendent
shall apply, by wire if necessary, to the Superintendents of the Sylhet
or Tezpur jail for the services of an executioner.

NOTE.—Special remission is awarded to executioners (30 days to convict executioner
and 15 days to each of his two assistants), but when in such cases the total remission
awarded exceeds one-fourth of their sentence the special sanction of the Local Government
should be obtained.

Place of
execution.

861. (a) Unless specially directed in the warrant, or the condemned prisoner is transferred to another jail under the orders of the Inspector-General the execution shall take place at the headquarters of the district in which the prisoner was confined at the time the sentence of death was passed.

(b) When a condemned prisoner is transferred intimation of such transfer should be furnished to the sentencing authority by the Superintendent of the transferring jail before actually transferring the prisoner in order that there may not be any loss of time in the transmission of the warrant for execution by the Sessions Judge or the High Court.

(c) Execution shall take place in an enclosure within the jail walls.

862. (1) A manilla rope, one inch in diameter shall be used for execution purposes and at least three such ropes, in serviceable condition, shall be maintained in the jails at Tezpur, Gauhati and Sylhet to be available when required.

(2) The gallows shall at all times be ready for use and shall be carefully examined on the last working day before an execution, to ensure that everything is in proper working order. It should be ascertained that the pit is sufficiently deep to be well clear of the convict's feet after the drop has fallen.

(3) The ropes to be used shall be tested a week before the date fixed for an execution and (with the other requisites such as pinioning straps) shall be then securely locked away in a place of safety till required.

(4) A rope shall be tested by fixing one end to the cross-tree of the gallows and the other end to a weight one and a half times the weight of the prisoner to be executed. This weight shall then be dropped the height of the drop it is proposed to give the prisoner.

(5) Every detail in connection with an execution shall receive the personal attention of the Superintendent and Medical Officer.

Scale of
drop.

863. The following scale of drop shall be adopted :—

For a prisoner weighing under 98 lb. 6½ feet.

For a prisoner weighing under 126 lb. 6 feet.

For a prisoner weighing under 154 lb. 5½ feet.

For a prisoner weighing 154 lb. and over 5 feet.

Hour of
execution.
Presence of
officers.Attendance
of spectators.

864. Every execution shall take place as soon after daybreak as possible. Both the Superintendent and the Medical Officer (or Medical Subordinate) as well as a Magistrate shall be present.

865. (1) A certain number of spectators, not exceeding 12, consisting of the adult male relatives of the prisoner and other respectable male adults, may with the permission of the Superintendent or the District Magistrate, be admitted into the jail and allowed to witness the execution. The Superintendent or the District Magistrate may refuse admission altogether, or exclude particular individuals, in cases where the circumstances justify such a course.

(2) Prisoners shall be kept locked in their barracks and cells till the execution is over.

866. A guard of not less than twelve men armed with muskets and with buckshot cartridges in their pouches shall be mustered in front of the gallows to repulse any attempt made at rescue. The Superintendent of Police or Commandant should be requested to furnish the guard and necessary officers.

867. At the time fixed the Magistrate, the Superintendent and the Jailer shall proceed to the condemned convict's cell, and the Superintendent and the Jailer shall identify the convict as the individual named in the warrant of execution. The Superintendent shall then read out the warrant and orders of the Appellate Court and Government rejecting the appeal and petition for mercy of the convict. The Jailer shall also read out the warrant in vernacular and explain to the convict the purport of the orders.

868. As soon as the Magistrate, the Superintendent and the Medical Subordinate have taken their place in the gallows enclosure, the condemned convict shall be handcuffed behind the back and escorted by the jail guard under the charge of the Jailer to the gallows.

869. The executioner shall strap the legs of the convict and under the orders of the Superintendent carry out the sentence. The body shall remain suspended for half an hour and the Medical Officer shall view it after it has been taken down and shall certify that life is extinct. The Superintendent shall return the warrant of execution to the Judge with an endorsement to the effect that the sentence has been carried out.

870. Unless the removal of the body of an executed criminal is likely to be made the occasion of a public demonstration, such body —

- (1) may at the request of the friends or relatives of the deceased be made over to such friends or relatives, or
- (2) if not made over to the friends or relatives under clause (1) may be disposed of under Rule 871.

871. In the event of the District Magistrate or the Magistrate in charge considering it undesirable that the body of an executed criminal should be made over to the relatives or friends of the deceased, such body shall, under the written order of the Magistrate, be burned or buried within the jail in accordance, as far as possible, with the racial or religious customs of the community to which the deceased belonged. Friends of the deceased, not exceeding four in number, may, at the discretion of the Magistrate, and under such conditions as he may impose, be admitted to the funeral ceremony and allowed to perform any customary rites. In the absence of any of the friends of the deceased, the ceremony shall be performed under the direction of the senior Christian, Hindu or Muhammadan official of the jail, as the case may be.

When public demonstration is apprehended.

872. Should any exceptional or unavoidable delay occur in carrying out a capital sentence, not provided for in the rules in this chapter, the Superintendent shall immediately report the circumstances to the Sessions Judge for the issue of an order fixing a definite date for execution.

Procedure in cases of exceptional or unavoidable delay.

Reading of warrant and identification.

Provision of armed guard.

CHAPTER XLIX.

FEMALE PRISONERS AND CHILDREN.

Statutory provisions.

Under the provisions of section 27 of the Prisons Act, 1894, female prisoners shall be so separated from male prisoners as to prevent their seeing, conversing or holding any intercourse with the male prisoners. Under the same section unconvicted female prisoners shall be kept apart from convicted criminal prisoners. Under section 46 no female prisoner shall be liable as a punishment to any form of handcuffs, or fetters, or to whipping.

Application of rules.

873. Except in so far as they are inconsistent with the rules in this chapter, all the rules of this Manual apply to female prisoners.

Classification and segregation of female prisoners.

874. Female prisoners shall, as far as possible, be classified and separated, not only the unconvicted from convicted but also adolescents from older prisoners, habituals from non-habituals and prostitutes and procuresses from respectable women.

Restriction of females to female enclosure.

875. (1) No female prisoner shall, on any pretext, leave or be permitted to leave or be removed from the enclosure set apart for females, except for release, transfer or attendance at Court, or under the orders of the Superintendent for any other special purpose.

(2) Every female prisoner authorised to leave the female enclosure under clause (1) shall ordinarily be accompanied by a female warder from the time she leaves the enclosure till she returns to it or quits the jail premises.

Exclusion of males.

876. (1) No adult male shall enter or be permitted to enter the female ward of any jail by day unless he has a legitimate duty to attend to there, and is accompanied by a female warder while he remains therein, and no adult male shall enter it at all by night except in an emergency and he shall then enter a distinct report of his visit with the reason and hour thereof, to the Jailer.

(2) Warders acting as escorts to visitors and officials shall remain outside the enclosure.

Locks of female enclosure.

877. The locks of the enclosure and compartments where females are confined shall be different from those in use in other parts of the jail, so that the keys of the latter may not open the former.

NOTE.—For custody of keys, *vide* Rule 195(2).

Treatment of hair.

878. The hair of female prisoner shall not be cut without her consent, except on account of vermin or dirt or when the Medical Officer deems it requisite on the ground of health and cleanliness, and then the hair of such prisoner shall not be cut closer than necessary for the purposes of health and cleanliness.

Not to be fettered.

879. Female prisoners shall be liable to be handcuffed as a means of restraint under the same conditions as male prisoners, but no female prisoner shall, in any circumstances, be fettered.

Menial duties.

880. The menial duties connected with the female yard shall be carried out by female prisoners and all refuse, etc., shall be placed at stated hours outside the yard to be removed by male convicts. If there are no female prisoners of suitable caste for conservancy work,

two or three specially selected male convict *mehtars* may be taken into the enclosure by a paid Head Warder, but shall be kept together and shall not be allowed to go out of the Head Warder's sight or to hold any communication with the females.

881. Before a female prisoner is released timely notice shall be sent to her relations or friends to enable them to attend at the jail and receive her. If no relative or friend appears on the day of release, she may be sent to her home in charge of the female warden, should the Superintendent consider this course desirable. Release of female prisoner.

882. (1) A child up to six years of age shall be admitted to jail with its mother if it cannot be placed with relations or otherwise properly provided for. Children born in jail may remain with their mothers up to six years of age, if they cannot be otherwise suitably disposed of. The Medical Officer shall determine the age of children not born in jail. Prisoners' children.

(2) No child shall be admitted into or retained in a jail if it has attained the age of six years. On a child becoming disqualified for further retention, notice shall be given to the District Magistrate with a view to his making arrangements to place the child with its relatives, if possible, during the imprisonment of the mother. Should the relatives be unable to support it, or should the Magistrate be unable to discover any relative willing to take charge of it, he shall select trustworthy persons to undertake such charge, and shall see that the child is properly taken care of.

(3) Children in jail shall be allowed such diet and clothing as the Medical Officer may order for them over and above, in the case of diet, the scale prescribed in Rule 371.

883. When a police officer is required to take the finger impression of a female prisoner, she shall not be brought outside the enclosure for females, but the police officer in company with the Jailer shall be allowed to go to the female enclosure, and shall there take the finger impression in the presence of the paid female warden, the female convict overseer (where such exists) or the female companion, if any, in charge. The Jailer shall remain with the police officer till the finger impression has been taken, and shall then accompany him out of the female enclosure. Procedure of taking finger prints by police officers.

884. A temporary female warden should invariably be entertained on the admission of a female prisoner to jail custody when the services of a permanent female warden are not available. Entertainment of temporary female warden.

885. If a female prisoner dies in the jail, and leaves a child, notice shall at once be sent to the Magistrate of the district in which her home is situated, with a view to the child being received by its friends. Should no relation or friend be found willing to take the child, arrangements shall be made for placing it in some approved institution where orphans are received and educated. Child of a deceased female prisoner.

NOTE.—Rules 391(b), 393, for clothing of female prisoners.

Rules 504(j), 517, 530, 562, for transfer of female prisoners and their release.

Rule 856-858, for treatment of pregnant female prisoners sentenced to death.

CHAPTER L.

JUVENILE PRISONERS.

Statutory provisions.

Section 27 of the Prisons Act, 1894, requires that in a prison where male prisoners under the age of twenty one are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not.

Classification of juvenile prisoners.

886. Juvenile prisoners shall be divided into three classes :—

- (a) "Children" who are under 14 years.
- (b) "young persons" who are 14 years but under 16 years.
- (c) "Adolescents" who are 16 years but not more than 21 years.

Such prisoners shall be kept altogether separate from adult prisoners, and of the former those who have not arrived at the age of puberty shall be kept separate from those who have. This applies both to convicted prisoners and to persons under-trial ; therefore, in every jail in which male juvenile prisoners are detained means shall be provided for separating these classes. Female juvenile prisoners may be kept in the female ward allotted to 'A' class prisoners. Juvenile prisoners belonging to class 'B' shall be kept as much as possible apart from other juvenile prisoners.

Superintendent to exercise the power conferred by section 10 of the Reformatory Schools Act.

887. As the confinement of juvenile prisoners in jail is to be deprecated and avoided as far as possible, Jail Superintendent shall be guided by the following rules :—

Immediately on the receipt of an under-trial juvenile prisoners the Superintendent shall inform the District Magistrate, with the object of having the case disposed of as expeditiously as possible. After conviction, if the person is a child or a young person under the age of 15, and no order has been received for confinement in a Reformatory School, the Superintendent shall exercise the powers vested in him by section 10 of the Reformatory Schools Act (No. VIII of 1897), unless he is aware that the Magistrate of the district in which the prisoner was convicted has previously decided that the prisoners shall not be sent to a Reformatory School.

Procedure on transfer to Hazaribagh Reformatory School.

888. When a warrant for the detention of a child or young person in a Reformatory School is received, the Superintendent, before transferring such person to the Hazaribagh Reformatory School, shall ascertain whether there is accommodation available, and shall not transfer such person until he receives intimation that there is accommodation for him but shall transfer him, if fit to travel, as soon as he receives such intimation. If a child or young person, whose detention in a Reformatory School has been ordered, cannot be transferred to a Reformatory School before the expiration of any sentence or sentences of imprisonment awarded to him, he shall be released on the expiration of such sentence or sentences.

889. When the number of juvenile prisoners in a jail is so small that it is advisable to transfer them to other jails in which such prisoners are collected, or when there is no separate accommodation for juvenile prisoners in a jail, as required by law, the Superintendent shall submit to the Inspector-General the descriptive rolls of all juvenile prisoners sentenced to more than one month's imprisonment, for orders for their transfer.

890. All juvenile prisoners sentenced to imprisonment, whether rigorous or simple, shall be accommodated separately as far as possible from adult prisoners until such time as they can be transferred to another jail where separate accommodation is arranged for them.

JUVENILE PRISONERS TO BE SEGREGATED FROM ADULTS.
Juvenile prisoners sentenced to rigorous imprisonment shall, as far as possible, be put to labour which will not necessitate contact with adult prisoners.

891. All juvenile prisoners under sentence of six months or over whose removal to a Reformatory School has not been ordered, shall, if fit to travel ordinarily be transferred to a selected district jail to undergo modified Borstal treatment. If there is separate accommodation in the jails to which such prisoners are committed, Rule 513 shall be complied with, otherwise Rule 891 will apply. Descriptive rolls of such prisoners shall be submitted to the Inspector-General under Rule 505 for his sanction for their transfer.

892. In jails where there is no separate ward, a separate sleeping place shall be provided for short-term juvenile prisoners and for juvenile prisoners whom it is proposed to transfer to another jail, and during the day time they shall be kept rigorously under the eye of a warder, whose duty it shall be to prevent any familiarity between them and the adult prisoners.

893. Children and young persons shall be exempted from hard labour. They shall be taught and employed in some simple handicraft, which it is likely that they may carry on as a trade after they leave jail.

Supervision.
Adolescents shall be subject to hard labour for a period not exceeding one-third of their sentence and afterwards shall be employed on some handicraft.

For misconduct in jail they may be reverted to hard labour for a definite period.

894. The diet of juvenile prisoners shall be regulated according to their age and apparent physical requirement. For the bigger boys it shall, as a rule, be the full labouring diet of an adult. Except where at variance with the rules in this Chapter, all the rules in this Code relating to prisoners are applicable to juvenile prisoners except that they shall not be punished by reduction of diet. If whipping is inflicted upon such prisoners, it shall be administered as directed in Rule 321. In incorrigible cases, separate confinement should be resorted to.

Diet and punishments.

895. All juvenile prisoners will, on release, be escorted to their homes by the police. Superintendents of Jails will send notice of the release of such prisoners to the District Superintendent one day previously. The constable escorting the released prisoners should be in plain clothes. The subsistence allowance granted to such prisoners will be made over to the constable who escorts them home.

Procedure on release.

Taking of
finger prints.

896. The finger prints of all adolescent prisoners (class 'C' of Rule 886) shall be taken immediately after the appeals of such prisoners have been rejected, and the fingerprints shall be sent to the Provincial Bureau, with a clear indication of the jail to which the prisoners were first committed so as to facilitate identification in the event of reconviction.

Primary im-
portance of
humane
treatment of
juvenile
prisoners.

897. It is of the greatest importance, even if conditions are difficult, that the Superintendent should make some endeavour to introduce segregation of juvenile and adolescent prisoners from adults, and to institute such modified Borstal training as is possible, *viz.*, physical training (if necessary in the jail compound outside the main gate), agricultural instruction, ambulance and first aid instructed by the Medical Subordinate, moral lectures by visiting non-officials, etc.

CHAPTER LI.

LUNATICS.

Statutory provisions.
 The law relating to lunatics, so far as their confinement in jails provisions. is concerned, is contained in the Indian Lunacy Act, IV of 1912, in Chapter XXXIV of the Code of Criminal Procedure, and in section 30 of the Prisoners Act, III of 1900. In section 3(4) of the Lunacy Act a "criminal lunatic" is defined to mean any person for whose confinement in, or removal to, an asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, or of section 30 of the Prisoners Act, 1900.

NOTE.—Further particulars in regard to the procedure to be followed in dealing with lunatics, non-criminal and criminal, will be found in Appendix II and should be read as supplementary to this Chapter.

898. Persons who are supposed or are known to be of unsound mind may be detained in jails and may be divided into lunatics. Classes of five classes:—

- (1) Persons who have not committed a crime and who are supposed to be lunatics placed under the observation of the Medical Officer under the provisions of the Indian Lunacy Act, IV of 1912, as subsequently amended.
- (2) Persons accused of a crime and supposed to be of unsound mind, placed under the observation of the Civil Surgeon under section 464 of the Criminal Procedure Code.
- (3) Persons accused of a crime and found incapable of making their defence owing to unsoundness of mind, and detained under section 466 of the Criminal Procedure Code.
- (4) Persons acquitted after trial on the ground of insanity who have been found to have committed an act which would but for the incapacity found have constituted an offence.
- (5) Prisoners who have become insane after their conviction and admission into jail.

Persons of class (1) are denominated Non-criminal Lunatics; of classes (2) to (4) Criminal Lunatics; and persons of class (5) Lunatic Prisoners.

899. Under section 16 of Act IV of 1912, the maximum period during which a non-criminal lunatic can be detained for observation is 30 days. Shortly before expiry of this period, the Superintendent shall address the Magistrate or officer under whose warrant the person is detained, pointing out that the maximum authorised period of detention is about to expire, and requesting that an order for the release of the person detained, or his transfer to a Mental Hospital, be furnished. If by the end of seven days more the Superintendent has not received the Court's order, he shall report the matter to the Inspector-General.

Detention of Non-Criminal Lunatics.

Court to pay cost of maintenance. 900. Non-criminal lunatics shall be entirely excluded from all statistical returns relating to jails, and the cost of their maintenance and clothing (if supplied) and transfer to a Mental Hospital shall be recovered from the Court under whose warrant they are received.

Records to be maintained. 901. In every jail where non-criminal lunatics are confined there shall be maintained:—

- (a) In respect of all lunatics so confined a nominal roll.
- (b) In respect of each lunatic so confined a medical history sheet wherein the events in the medical history of the lunatic together with recorded opinions as to his mental condition with dates shall be entered.

Detention of class (2) lunatics. 902. When a lunatic of class (2) has been detained in a jail for more than a month; the case shall be reported to the Inspector-General.

Detention after order under sections 466(2) and 471(1) of the Code the person in respect of whom it is passed shall be dealt with according to the provisions of Rules 61, 62, 63 and 65 of the Rules under section 91(1) of the Lunacy Act printed in Appendix II of this Manual, as the case may be.

A Magistrate or Court passing the detention order may, if it is deemed necessary, order the lunatic to be isolated.

Procedure when Inspector-General certifies criminal lunatics to be sane. 904. When a criminal lunatic confined under section 466(2) of the Criminal Procedure Code is, under section 473 of the said Code, certified by the Inspector-General to be capable of making his defence, a copy of such certificate shall at once be sent to the Magistrate or Court which forwarded the lunatic in order that immediate measures may be taken for the disposal of the case while the period of sanity continues. When such lunatic is taken before such Magistrate or Court, there shall be sent with him the said certificate and the papers mentioned in Rules 73 and 75 of the Lunacy Rules in Appendix II.

Procedure in case of recommendation for release or for making over to relatives. 905. When the case of a criminal lunatic confined in jail under the provisions of section 466 or 471 of the Code is recommended under section 30 of the Indian Lunacy Act, 1912 (IV of 1912), for release or for making over to the care and custody of a relative or friend, the matter should be reported to the authority under whose order such lunatic is confined and the following papers shall be sent with the report, namely:—

- (a) An abstract of the lunatic's medical history.
- (b) Medical history sheet.

In the case of lunatics confined under the provisions of section 471 of the Code, such authority, that is to say, the Court or Magistrate, shall forward the report and these papers to the Local Government.

These papers will be returned by the Local Government to the Superintendent of the Jail unless the discharge of the lunatic is ordered.

906. If any prisoner becomes insane after his admission to a jail, a report under section 30(1) of Act III of 1900 regarding his case shall immediately be submitted to the Inspector-General with the view of obtaining the orders of Government for his removal to a Mental Hospital. With this report shall be forwarded:—

When a prisoner becomes insane after conviction and admission to jail.

- (a) A statement of particulars.
- (b) A medical certificate.
- (c) A descriptive roll, with the following particulars carefully entered:—
 - (i) Date of conviction,
 - (ii) Name of sentencing Court,
 - (iii) Section of offence,
 - (iv) Term of sentence.

Full details of prisoner's antecedents, and connections as required by the statement of particulars should be ascertained from the Magistrate of the prisoner's district and be carefully entered.

907. (1) On receipt of a warrant or order for the removal of a lunatic prisoner to the Mental Hospital the Jail Superintendent shall forward him to the Mental Hospital with all the papers mentioned in Rule 66 of the Rules under the Lunacy Act in Appendix II of this Manual.

Preliminaries of removal to Mental Hospital.

(2) Before transferring a lunatic prisoner to a Mental Hospital previous intimation should be sent to the Superintendent of Police to enable him to secure the finger print of the prisoner.

908. When a lunatic prisoner cannot be transferred under a Government order so as to reach the Mental Hospital before his sentence expires, he shall be detained until the expiration of his sentence, and then be treated as a non-criminal lunatic, for whose transfer the Magistrate's order shall be obtained.

When lunatic cannot reach Mental Hospital before expiry of sentence.

909. No lunatic shall be transferred to a Mental Hospital unless the Medical Officer certifies immediately before despatch that he is fit both mentally and physically to travel. The certificate of fitness will be sent to the Superintendent of the Mental Hospital by post. Every lunatic shall be sent under police escort and every precaution shall be taken to secure that the lunatic is properly cared for as regards his food, clothing and bedding as directed in the rules relating to transfers (Chapter XXVIII), except that two suits of clothing shall be provided instead of one and an extra blanket.

Clothing, diet, etc., of lunatic en route to Mental Hospital.

910. Every female lunatic sent to or from the Mental Hospital shall be accompanied by a female attendant or relative in addition to the usual Police escort. If the Superintendent of the prison is unable to detail a female warden or procure the services of a female attendant or of a relative, he should arrange, in communication with the Superintendent of the Mental Hospital, for the latter to send a female keeper who should arrive at the prison by the date on which it is proposed to transfer the female lunatic.

Escort of female lunatics.

The travelling expenses of a female warder or attendant locally employed by the Jail Department or of relative should be debited to the Jail Department and those of a Mental Hospital keeper accompanying the female lunatic to the Mental Hospital in which the latter is detained.

911. Criminal lunatics, recovered and unrecovered, when sent by rail shall not be allowed to mix with other passengers, but shall be placed with their escort or attendants in a separate compartment.

912. The rules issued by Government relative to the treatment of recovered criminal lunatics of class (4) transferred from Mental Hospitals to jails, in anticipation of their ultimate release will be found in Appendix II. Lunatics so transferred shall be treated strictly in accordance with the orders of Government passed in each case. Such lunatics will ordinarily undergo a term of probation in first or second class district jail before release, varying from four to six years. They will be employed in any work the Superintendent considers suitable or beneficial, but *not as convict officers*.

Recovered criminal lunatics undergoing probationary periods in jails should be included in all statistics relating to convicts.

Within a month of the expiry of their probationary period in jail and provided there has been no recurrence of symptoms of insanity they should be transferred to the jail nearest their home.

913. Recovered female criminal lunatics will not in any case be transferred to jails.

914. When a recovered criminal lunatic undergoing probation in a jail has a relapse of insanity he should be immediately returned to the Mental Hospital and the Superintendent of the Jail should submit a report of the action taken for the orders of the Magistrate. With every lunatic transferred either from the Mental Hospital to jail or *vice versa*, full details of his medical history up to date shall be forwarded.

NOTE.—All such cases shall be reported to the Inspector-General of Prisons for information.

915. When it appears to the Government that any convicted prisoner of class 5 has become of sound mind, and a warrant has been issued for the remand of the prisoner to the jail from which he was removed, the Superintendent of the Jail shall reckon the time during which the prisoner has been confined in the Mental Hospital as part of his term of sentence.

916. Whenever a lunatic is received in a jail a receipt shall be given by the person in charge of such jail to the person handing the lunatic over.

917. Whenever a lunatic is found to be dangerous, noisy or filthy in his habits, he shall be confined in a cell. Lunatics of classes (I) to (IV) inclusive, may be detained either in the Jail Hospital or in the under-trial prisoners' ward at the discretion of the Medical Officer. Every lunatic confined in a cell shall at all times be under strict watch; a sufficient number of specially selected convict watchmen may be told off for this duty by day, and of convict overseers by night.

Special precautions in confining lunatics.

918. Every lunatic shall receive the ordinary jail dietary unless the Medical Officer otherwise directs, but non-criminal lunatics of class (I) may be supplied with food from outside the jail, under the same conditions as are prescribed in the case of under-trial prisoners.

Food.

919. Every lunatic on discharge shall be furnished with a certificate of discharge signed by the Superintendent of the Jail in the following terms:—

Certificate on discharge.

Certified that an inmate of this Mental Hospital* or jail, admitted for treatment on the , vide order No. , from the Magistrate of , dated the , has been discharged this day under section , Act IV of 1912.

(Sd).

Superintendent, Mental Hospital.

920. Under section 471(2) of the Criminal Procedure Code and section 30(2) of the Indian Lunacy Act, 1912 (IV of 1912), the Government have empowered the Superintendent of a Jail in which a person is confined under section 466 or 471 of the Code of Criminal Procedure to discharge in respect of such person all or any of the functions of the Inspector-General of Prisons under sections 473 and 474 of the said Code and section 30(1) of the said Lunacy Act.

Delegation of powers of Inspector-General to Superintendents of Jails

921. On the 15th February and 15th August Superintendents shall forward in the prescribed form to the Inspector-General in respect of each recovered lunatic in his custody, a report showing the physical and mental state of health of the lunatic at the time and during the interval since the previous report was submitted.

Half yearly returns.

*See sections 31 and 32 of Act.

CHAPTER LII.

LEPERS.

922. When any prisoner is found to be suffering from leprosy, the Medical Officer shall record the fact on his history-ticket and shall direct his segregation from all other prisoners who are healthy.

923. On the admission to jail of any male convict suffering from leprosy, his descriptive roll shall be submitted to the Inspector-General together with a brief statement of his case with a view to his transfer, if considered necessary, to a jail with special accommodation for lepers.

924. Any under-trial prisoner suffering from leprosy or leper-convict whose transfer to the selected jail is necessary, or leper convict received for release, shall, pending transfer or release, be confined in a cell or such structure as shall be provided for the purpose, but care shall be taken that such confinement is not solitary. The prisoner shall see and may converse with other prisoners, but shall be kept separate. Cells which have been occupied by lepers shall be thoroughly disinfected, the walls scraped and lime-washed and the floor, if of earth, renewed, before it is used for any other purpose. Clothing and bedding that have been used by a leper should never be reissued but burnt. When however a leper prisoner is transferred, he should retain the jail clothing and bedding which he received on first admission. The case of any civil prisoner admitted with leprosy shall at once be reported to the Inspector-General with the view of obtaining the orders of Government for his release under Rule 767. He shall meanwhile be segregated from all other prisoners.

925. P.B/T. leper prisoners, located in jails set apart for persons so diseased, shall not be transferred to their native districts until only sufficient time is left for them to reach the jail from which they are to be released on the morning of their release or the day before release. The release notices of such prisoners shall be sent to the District Superintendent of Police of their districts by the Jail Superintendent.

CHAPTER LIII.

ADVISORY BOARDS.

926. Permanent Advisory Boards shall be constituted at the district jails of Sylhet and Gauhati. When necessary a Board may be assembled at Shillong. Each Board shall consist of three members, *viz.*, the Inspector-General of Prisons as Chairman, the Sessions Judge (or Legal Remembrancer in the case of Shillong) and a non-official member appointed by Government. The Superintendent of the Jail concerned shall be the Secretary to the Board, but he shall not vote.

The term of office of each non-official member shall ordinarily be three years.

927. Each permanent Board shall meet at least once a year at Time of such time as may be fixed by the Inspector-General of Prisons.

928. For the purpose of these rules a long-term prisoner means a casual prisoner with a substantive sentence or an aggregate of substantive sentences amounting to three years or over irrespective of whether the imprisonment is rigorous or simple.

929. The sentence of every long-term prisoner who has completed two years imprisonment or half of his sentence, whichever is greater, shall be brought under review. In computing a sentence or aggregate of sentences amounting to three years or over and in calculating the period of sentence undergone, no sentence passed or undergone in default of payment of fine shall be taken into account nor shall any remission be included in these calculation. *See Rule 941A.*

930. If any such long-term prisoners are in jails other than the two Jails mentioned, the Inspector-General of Prisons shall arrange for their cases to be dealt with by the Board at the most convenient centre.

931. The Secretary shall obtain, before the meeting of the Board the opinion of the Superintendent of the Jail as to the prisoner's conduct, his physical and mental condition and his general fitness for release. He shall also obtain from the District Superintendent of Police through the District Magistrate of the district in which the prisoner was residing before his conviction, and of the district in which he was convicted, a report containing such information as may be available regarding the prisoner's conduct and character before conviction, his mode of life and the local conditions under which he would live in the event of release. The District Superintendent of Police shall forward such report to the District Magistrate with his recommendation as to the desirability or otherwise of releasing the prisoner, and the District Magistrate shall forward the report to the Secretary of the Board with his recommendation and any further information he considers necessary. Requests for this information shall be sent out by the Secretary of the Board to the District Superintendent of Police at least three months before the meeting of the Board.

Constitution
of Advisory
Boards.

Definition of
long-term
prisoner for
purpose of
these rules.

When a sentence
may be reviewed.

Case of prisoners not in
Sylhet or
Gauhati
jails.

Information
to be furnished
by
Superintendent
of Jail,
District
Magistrate
and Superinten-
dent of
Police.

Documents
to be sub-
mitted to
Board.

932. In the case of every prisoner appearing before the Board the following documents shall be submitted by the Secretary :—

- (a) Particulars of the convict and the report and recommendation of the District Magistrate and the District Superintendent of Police, in Form A attached.
- (b) History-ticket.
- (c) Copy of judgment.

What re-
commenda-
tions can be
made by the
Board.

933. The Board, after a full consideration of each case, may decide either to postpone the making of any recommendation for remission indefinitely, or for some definite period, or to recommend to Government the release of the prisoner with or without conditions. No recommendation for the remission of a sentence shall be made except with the concurrence of all members of the Board.

934. The fact that the case of any prisoner with a sentence exceeding fourteen years has previously come up for review before the Board shall not preclude the case being sent up to the Local Government, as is at present the practice under the existing fourteen years' rule. If Government have already issued orders for further period of detention, the fact should invariably be noted in the revision sheet (Form A).

935. It shall be borne in mind that the criterion of clemency is only indirectly involved. It is in no sense the intention that the Board should review the propriety of the original sentence as such. The grounds of action should be personal to the convict and of the general nature indicated above, *viz.*, his antecedents, his conduct in jail, and the probabilities of reformation if he is released.

936. If the Board recommend that the prisoner should be released, they should give their reasons for that recommendation and state what conditions, if any, of those mentioned in the prescribed form should be attached to the release. All the papers connected with the case will then be forwarded to Government in the Judicial Department for orders.

The conditions of release will be as follows :—

(Strike out those not recommended.)

- (1) That the convict shall, within 14 days from the date of his release, present himself to the District Magistrate within whose jurisdiction he wishes to reside or to such parole or probation officer as the District Magistrate may hereafter appoint, and shall produce the copy of the conditions of his release delivered to him by the Superintendent.
- (2) That he shall for the remainder of his original sentence, at such intervals as the District Magistrate may direct, keep the District Magistrate or such special officer advised of his place of residence and his means of livelihood, and submit himself to the guidance of such Magistrate or officer. *See Rule 941B.*
- (3) That he shall not associate with bad characters.
- (4) That he shall live peaceably and earn his living by honest work.

(5) That he shall not commit any offence punishable by any law in force in British India.

The Superintendent, District Jail, should warn the prisoner that a breach of any of the above conditions will render him liable to be arrested in order that he may undergo the unexpired portion of his sentence and should before releasing him take an agreement from him in English and in the Vernacular embodying the above conditions.

937.

FORM A.

Form A,
referred to in
Rule 932.

Revision of Sentence Sheet.

Jail _____ Sentencing Officer and Case No. _____

No. and name _____ Section _____

Father's name _____ Sentence _____

Caste _____ Date of Sentence _____

Present age _____ Number of previous convictions _____

Place of abode _____ Date of revision _____
(Village, Thana and District.)

SUPERINTENDENT'S REPORT.

Y. M. D.

Physical and Mental condition _____ Period spent in jail
up to _____

Conduct _____ Remission earned _____

Effect of imprisonment _____ Opinion on the advisability of
undergone _____ premature release _____

ENTRIES CHECKED WITH WARRANT.

Date.

Jailer.

Superintendent of Jail.

Superintendent of Police's re-
marks as to the convict's histo-
ry previous to conviction with
special reference to the probabi-
lity of his home environments
leading to a relapse into crime.

Magistrate's opinion as to the
possibility of releasing the
convict in advance of the ex-
piry of his sentence.

In giving their opinion Ma-
gistrates should take into con-
sideration the circumstances of
the crime.

Date.

Superintendent of
Police.

Date.

District
Magistrate.

RECOMMENDATIONS OF THE BOARD.

Postponed indefinitely.

Postponed for 1 year.

Recommended for release conditionally

un-conditionally.

Date.	Member.	Member.	Chairman.
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Advisory
Board Re-
gister.

938. (1) The date on which the case of a convict becomes eligible for consideration by the Advisory Board is called the date of revision. The Jailer of Sylhet and Gauhati jails shall maintain an Advisory Board register, in which he shall at the time of admission enter the dates of revision of all convicts eligible for consideration by the Advisory Board. A sufficient number of pages shall be set apart for each year, and each date of revision with the convicts number and name shall be entered in the appropriate year.

(2) A revision of sentence sheet shall be kept for every such convict in Form A (*vide* Rule 937).

Revision
sheets to be
sent to Go-
vernment.

939. The revision sheets of all convicts recommended for release by an Advisory Board shall be forwarded by the Superintendent to Government as directed in Rule 936; the other revision sheets shall be attached to the conviction warrants of the convicts concerned.

Government
orders to be
entered in
register.

940. A note of the recommendation of the Advisory Board and the orders of Government in each case shall be made in the Advisory Board register.

War rants
with revi-
sion sheets
to be return-
ed to Court.

941. In the case of every convict released under the provisions of this chapter the convict's revision sheet shall be attached to the commitment warrant or warrants, which shall then after proper endorsement be returned to the court concerned.

Secur ity
impr ison-
ment cases
not to be
reviewed.

941A. Cases of persons imprisoned for failure to give security under Chapter VIII of the Criminal Procedure Code, need not be placed before the Advisory Boards in view of the powers conferred on District Magistrates under section 124 of the Code.

District
Magistrat es
to be inform-
ed of length
of unexpired
portion of
sentence.

941B. All Jail Superintendents should, in all cases of conditional release, inform the District Magistrate concerned of the length of the unexpired portion of each convict's sentence.

CHAPTER LIV.

PUBLIC WORKS IN JAILS.

942. Public works in jails are classified under the following heads:—

- A. Original works of a permanent character involving new construction or additions or alterations to an existing structure on the books of the Public Works Department, sub-divided as follows:—
 - (i) Major works estimated to cost over Rs. 50,000.
 - (ii) Major works estimated to cost over Rs. 5,000 but not over Rs. 50,000.
 - (iii) Minor works estimated to cost over Rs. 1,000 but not over Rs. 5,000.
 - (iv) Petty works estimated to cost Rs. 1,000 or under.
- B. Original works of a temporary or petty nature, the cost of which will not exceed Rs. 5,000 whether for new construction or for additions and alterations to existing buildings.
- C. Special repairs to be undertaken by the Public Works Department to any building maintained by Jail Department which it is proposed should be taken on to the books of the Public Works Department. Such repairs are classed as original work when the proposal is accepted.
- D. Annual periodical, special, or petty repairs to jail buildings, or works on the books of the Public Works Department.
- E. Annual, periodical, special, or petty repairs to jail buildings or works not on the books of that Department.

943. (1) Proposals for works under class A (i), (ii), (iii) and under class C should be initiated through the Inspector-General who will supply the Executive Engineer of the district in which the jail is located with a complete and detailed statement of his requirements and obtain from him an estimate of the cost of the proposals with such drawings and designs as may be necessary. Except that in the case of works under class A (i) which are likely to cost over Rs. 50,000 the proposals should be initiated by the Inspector-General through the Chief Engineer.

Initiation of works.

(2) The Superintendent of the Jail or Inspector-General may, however, intimate proposals to the Executive Engineer and obtain from him a preliminary figure of cost to enable the Inspector-General to decide whether the proposals should be proceeded with. No estimates and plans will be prepared in such cases and the amount given will be merely a rough approximation for the purpose stated.

(3) Proposals for works under class A (iv) may be initiated by the Superintendent of Jail who will obtain a requisition from the Executive Engineer showing the cost of the proposals.

(4) Proposals for works under B will be submitted by the Superintendent of Jail to the Inspector-General with an estimate of the cost and such other details and drawings as may be necessary to elucidate the proposals.

(5) No proposals for original works should be initiated under Rules (1) and (3) above unless there is a reasonable assurance that funds will be forthcoming to carry out the work. If the Inspector-General considers the provision of funds probable within a reasonable period he may obtain information under Rule (2) and place his proposals before his administrative department who will consult Finance Department regarding the provision of funds. If an assurance of funds is given the Inspector-General will then take action under Rule (1).

Administrative approval. 944. (1) Administrative approval is not required for petty works under class A (iv) costing Rs. 1,000 or under and these can be carried out as soon as funds are provided, except in the case of residential buildings, *see* Rule 947(7).

(2) The Superintendent of Jail has no powers of administrative approval ; the Inspector-General is empowered to grant administrative approval to projects estimated to cost up to Rs. 5,000 other than for residential buildings excluded by Rule 947(7)—provided funds are available to carry out the work. He will communicate such administrative approval direct to the Executive Engineer and forward a copy to Secretary, Public Works Department.

(3) For all works estimated to cost over Rs. 5,000 the Inspector-General will submit the project to his administrative department for obtaining the administrative approval of Government which will only be granted with the concurrence of Finance Department if there is a reasonable assurance of funds for carrying out the work.

(4) In all cases the Inspector-General before granting administrative approval or submitting his proposals to Government will satisfy himself that all his requirements are embodied in the project and that the report of the estimate and plans fully elucidate the proposals. His countersignature of the plans and report of the estimate will be regarded as acceptance of the proposals.

(5) Detailed estimates and plans are prepared by the Public Works Department for projects likely to cost under Rs. 5,000 under class A (iii); in excess of Rs. 5,000 rough estimate and plans are prepared sufficient to elucidate the proposals. The Executive Engineer obtains the countersignature of the Superintendent of jail to the Public Works Department proposals as a token of his acceptance before forwarding them to the Inspector-General.

(6) The orders of Government granting administrative approval to or modifying a rough project costing over Rs. 5,000 will be communicated direct to the Inspector-General, a copy being forwarded to the Public Works Department for preparation of the final detailed estimate and plans, which will be forwarded in due course to the Inspector-General for his final acceptance and countersignature prior to technical sanction being accorded by the Public Works Department.

Provision of funds. 945. (1) The Inspector-General will arrange with his administrative department for the inclusion of any project under class A (i) and (ii) in the budget estimates after administrative approval has been granted and after ascertaining from the Public Works Department the amount which they anticipate being able to spend during the

year. After acceptance by Finance Department such projects will be shown in the Public Works Department budget.

(2) Works under class A (*iii*) and (*iv*) and under class C will be financed from any grant which may be placed at the disposal of the Inspector-General for the purpose in the Public Works Department budget or from the general reserve in the Public Works Department budget with the concurrence of Finance Department. In the former case the Inspector-General will allot funds direct to the Executive Engineer concerned, sending a copy to Secretary, Public Works Department; in the latter case the Inspector-General should apply to Secretary, Public Works Department, who will, allot the funds, if available, after obtaining the concurrence of the Finance Department.

(3) Funds for works under class B will be allotted by the Inspector-General from the grant placed at his disposal in the Jail Department budget under the head " Works—Original Works in charge of Civil Officers".

946. (1) Works under classes A and C will, except as provided for in Rule 950, be executed by the Public Works Department but no work can be started until approval has been granted by authority under the foregoing rules and until technical sanction has been accorded in the Public Works Department and funds allotted to carry out the work, except that works of a specially urgent nature may, with the previous sanction of the Local Government at the instigation of the Inspector-General be started on the basis of the rough project after administrative approval has been accorded, and funds provided.

Execution of work.

(2) Works under class B will be undertaken by the Superintendent of Jail without the intervention of the Public Works Department on the authority of the Inspector-General and after funds have been provided, except that any work involving additions or alterations to an existing building on the books of the Public Works Department requires the prior sanction of Government in the Public Works Department before work is undertaken departmentally.

(3) Repairs under class D are undertaken by the Executive Engineer within the grants placed at his disposal for the purpose.

(4) Repairs under class E are similarly undertaken by the Superintendent of Jail.

947. (1) If an addition to, or alteration of, an existing jail building is proposed, the official in charge of the Public Works Division in which the jail is located shall always be consulted, and he shall decide whether it will be safe to add to the building or to alter it in the manner proposed, and the Inspector-General shall be guided by his opinion.

General rules.

(2) In the case of existing buildings which it may be necessary, either to demolish, or to abandon and replace by entirely new structures, the proposal should be supported by a professional opinion and a declaration that no other building is available.

(3) The officer in charge of any Government building should make some person of his establishment answerable for its general condition, including the glass in each room and fixtures, as also for keeping a watch on the attacks of white-ants giving strict attention to the

cleanliness of the interior and neatness of the exterior, and surroundings, etc. Charges for such items may be made by the officer concerned in his contingent bill.

(4) No buildings on the books of the Public Works Department (irrespective of cost) shall be dismantled without the sanction of Government in that department.

(5) No new detached structures shall be erected on land attached to buildings on the books of the Public Works Department, irrespective of the fund from which the cost is to be met, without the approval of the Government in that department.

(6) No huts of inflammable materials should be erected within a radius of 50 feet of a permanent buildings, without the approval of the Public Works Department.

(7) No proposal for a residential building shall be considered without the express approval of the Local Government except in the case of warders, Head Warders and compounders' quarters costing not more than Rs. 5,000 and provided rent free under due authority.

(8) No proposal for a building involving the acquisition of land shall be considered until a valuation of the land has been made, and work in connection with such a building shall not be commenced until the land has, under the orders of Government, been acquired.

Employ-
ment of jail
labour and
jail pro-
ducts.

948. (1) The approximate cost of work of class B will be reported by the Superintendent of the Jail to the Inspector-General, the data being either procured by himself or, in the event of his inability to ascertain the cost, being obtained from the Public Works Department. The Inspector-General will then accord sanction for the work. The plans and estimate for such works may be prepared by the Superintendent, but the Public Works Department official concerned with the jail will give assistance in this matter on receipt of orders from his departmental superior, which will be issued (if such a course is possible and not likely to seriously interrupt his ordinary duties) on an application being made by the Superintendent of the Jail, intimating his inability to carry out the preliminary procedure. The plans and estimate will then be submitted by the Superintendent of the Jail to the Inspector-General for sanction.

(2) The Inspector-General will then (in the event of approval) sanction the work from the funds placed at his disposal in the Jail Department budget under the head "Works—Original Works in charge of Civil Officers". The outlay on such works will be audited by the Comptroller.

All works of class A shall be executed under the Public Works Department Code Rules and Orders issued by the Local Government in the Public Works Department in connection with the execution of work.

(3) In the execution of every jail work or repair, convict labour shall be utilized to the fullest extent possible, and in the preparation of estimate for works, this shall be allowed for. The value of jail labour which can be utilized on each sub-head, should be noted in a subsidiary column of that sub-head, and the total value of such labour will be deducted from the total estimated cost of the work at the foot of the abstract of the estimate.

(4) If the Jail Department is in a position to manufacture and supply any articles such as bricks, tiles, *surki*, etc., required in a work, due allowance should be made in the estimates for such supply by showing separately the value of such materials, or labour as may be available for their manufacture.

949. If an allotment of funds for the work is made in the Public Works Department budget, the work shall, as a rule, be undertaken by the Public Works Department, or under the orders of that Department. The work shall be carried out under the following rules:—

(1) All matters connected with the discipline of the convicts so employed and all matters connected with their safe custody, feeding, clothing and treatment shall rest entirely with the Superintendent of the Jail.

(2) When prisoners are required, due notice shall be given to the Superintendent of the Jail by the officer in charge of the Public Works division concerned, who will intimate the number required and for what period. The Superintendent of the Jail will then, after consulting his diary showing the number of prisoners who will in the meantime be released, apply, if necessary, to the Inspector-General of Prisons for the transfer of as many more convicts as will make up the required number.

(3) In addition to this general demand for convict labour, the subordinate officer appointed for this purpose by the officer in charge of the Public Works Department concerned, shall each day inform the Superintendent in writing of the number of convicts required on the following day, specifying the number of gangs, the number of convicts in each gang, and the portion of the work on which each gang will be employed.

(4) In the morning each gang shall be paraded near the part of the work indicated, and a certificate shall be prepared by the Jail Officer and presented to the Engineer subordinate in charge for his countersignature, showing the number of convicts of each description or class placed at his disposal for the day's work.

(5) The officer in charge of the Public Works division concerned shall, in communication with the jail officer, and after consideration of the tasks laid down in Appendix IV (II), frame a schedule of tasks of each description of work to be performed, either by convict, or by a certain number of convicts.

(6) It shall be the duty of the Engineer subordinate in charge to point out to the Superintendent of his subordinates the task to be performed by each gang of convicts daily, and before the work is closed for the day to see that such task has been fully completed, and to note the fact or any deficiency or defect, in a daily report of which a copy shall be made over to the Superintendent of the Jail.

(7) The Superintendent shall make all arrangements for the guarding of the prisoners and for their supervision, both when

Works executed by the Public Works Department with the aid of convict labour.

at work and when in their quarters, and it shall rest with him to determine what individual convicts are in fault in respect of bad or short work, spoiling of tools and materials, neglect of orders or waste of materials, reported by the officer in charge of the Public Works division concerned, or his subordinate and to deal with them in accordance with jail rules. No loose bamboos, "machans", planks, tools, implements, etc., likely to facilitate escape shall be left in the jail at night. If extensive scaffolding is used which cannot be removed, every evening after work is stopped, a special watch shall be placed by the Superintendent over such scaffolding at night.

- (8) All buildings operations shall be under the sole charge of the officer in charge of the Public Works division concerned, or his subordinate in charge, without any interference of any kind from the officer in charge of the jail; and the report of the Engineer as to short work, bad work, spoiling of tools and materials or waste of material, shall be accepted as final by the Superintendent of the Jail with reference to the preceding paragraph.
- (9) Free labourers, when employed, shall be kept as separate as possible from the convict labourers, but where skilled free labourers (artizans) are employed with convict labourers to teach them, or to supervise their works, such arrangements shall be made as will interfere as little as possible with the discipline of the convict labourers.
- (10) No charge shall be made to the Public Works Department for the cost of the convicts or of their guards or for the cost of providing huts for them; but a weekly return specifying the quantity of work done and its value, and the number of convicts employed, shall be furnished by the officer in charge of the Public Works division concerned to the Superintendent. The officer in charge of the Public Works division shall see that his arrangements for materials etc., are such that full employment for the number of prisoners for whom he applies is always available.
- (11) Jail-made materials shall not be transferred by the Public Works Department officials to other works, except under the authority of the Superintendent of the Jail concerned, and when such a transfer is made, the amount of materials taken, and the value of work done by prisoners shall be reported to the Jail Superintendent, so as to allow of the necessary sum being credited to, or recovered by, the Jail Department.

Works executed by the Superintendent of Jail as a Public Works Department disburser.

950. All works of class A, irrespective of cost, will, as a rule, be carried out by Public Works agency. But if the authority of the Local Government is obtained to the carrying out of such works through the Superintendent of the Jail, he will be treated as a Public

Works disburser and the following rules shall be observed:—

- (1) After a work, which is to be carried out by the agency of the Jail, has been sanctioned and funds appropriated in accordance with the procedure laid down above, the Superintendent of the Jail will be appointed an imprest-holder under the officer in charge of the Public Works division concerned and render accounts to him in Public Works Department Imprest Cash Book No. 2, duly supported by vouchers in the prescribed Public Works Department forms, the necessary books and forms being obtained by the Superintendent from the officer in charge of the Public Works division concerned. The vouchers should be prepared in Public Works Department Forms Nos. 21, 24 and 28, according as work is done by daily labour, petty, contract, or otherwise.
- (2) The amount of imprest should not ordinarily exceed Rs. 500, but may be increased up to a maximum of Rs. 1,000 with the approval of the official who sanctions the estimate for the work. The Superintendent can have his imprest recouped as often as may be necessary for pushing on his work but the imprest account should invariably be closed about the 27th of each month (or such date as may be fixed by the officer in charge of the Public Works division concerned), and recouped, (if possible), before the end of the month so as to ensure as many as possible of the month's transactions being included in the Executive Engineer's divisional accounts.
- (3) Sanctions to estimates and appropriations of funds by the Public Works Department should be communicated to the Inspector-General, through the Executive Engineer concerned, to enable the latter to record them in his register of sanctions and register of works.
- (4) Measurement Books in Public Works Department Form should be kept by the Superintendent to record measurements of work done by, and payments made to, petty contractors.
- (5) Materials, other than those of Indian origin or manufacture, which have to be purchased for the work, shall be supplied to the Superintendent on indent, or requisition, by the officer in charge of the Public Works division concerned, who will intimate the value at which such materials will be charged, for which amount the Superintendent shall debit the Jail in the same manner as for cash received by him.
- (6) Materials of Indian origin or manufacture can be purchased by the Superintendent, subject to advice of the officer in charge of the Public Works division concerned.
- (7) On receipt of intimation of the Public Works budget allotment for the next ensuing year, the officer in charge of the Public Works division concerned and the Jail Superintendent shall settle what description and quantity of

materials will be required for the works to which the budget allotment is to be applied, and the officer in charge of the Public Works division shall arrange to have the necessary material which is to be provided through him, ready by the time it is required.

- (8) The cash and any material supplied by the Public Works Department and any material purchased by the Superintendent for the work shall be debited solely to purposes sanctioned in the estimate, from which no deviation whatever shall be made without due authority, as laid down in the Public Works Department Code.
- (9) The Superintendent shall be responsible for the application of the labour to the work ; the officer in charge of the Public Works division concerned may, if he thinks it necessary, offer advice, but he shall have no power to interfere with the work.
- (10) If the Superintendent cannot obtain any necessary skilled labour, the officer in charge of the Public Works division concerned shall supply it as far as possible. He shall also lend tools when they are required if they are available.
- (11) The work to be done shall be laid out either by the officer in charge of the division concerned, himself, or by any Public Works subordinate deputed for that purpose, and no deviations from the plan shall, on any account, be permitted unless the previous sanction of the officer of the Public Works Department by whom the project was professionally approved, has been obtained.
- (12) The work shall be visited and examined as often as may be considered necessary, by the officer in charge of the Public Works division or Public Works subordinate deputed for the purpose, and a report shall be made as to the work done, stating that the work has been well done, or if it has not, in what respects it has been defective, and what remedial measure should be adopted. This report shall be sent to the Superintendent, who shall be guided thereby. It shall rest with the officer in charge of the Public Works division concerned to decide whether the manner in which the work is being carried on is such as to call for interference, and if it is, the officer in charge of the Public Works division concerned shall submit a copy of this report, through the Superintendent, to the Inspector-General of Prisons with any recommendations that he may see fit to make.
- (13) On the entire completion of the work provided for in the estimate, all surplus materials charged for but not consumed, shall be returned to the officer in charge of the Public Works division concerned for disposal, and shall either be returned into stock at fair value, or be sold, and the amount so realized shall be credited as an offset against the cost of the work.

- (14) On the completion of any building or work, the officer in charge of the Public Works division concerned shall at once prepare and submit the usual completion report in which he shall distinctly note how the work has been executed.
- (15) On the completion of each building or portion of work, the officer in charge of the Public Works division concerned shall be furnished with a statement showing the expenditure which has been incurred on the work.
- (16) The officer in charge of the Public Works division concerned shall understand that, while being relieved of actual supervision of the work, he is expected to afford any necessary professional advice, to supply information and advice regarding rates, etc., and generally to comply with such requirements as the Superintendent may make.

951. Annual and special repairs to Jail buildings, or works on the books of the Public Works Department will be carried out by that department from provision made annually in the Public Works budget. The officer in charge of the Public Works division shall endeavour to make use, as far as possible, of convict labour, for which no charge shall be made to the Public Works Department. The countersignature of the Superintendent of the Jail should invariably be obtained to repair estimates in token that all the repairs considered necessary by him are entered therein.

Repairs to
Jail build-
ings on the
books of
Public
Works De-
partment.

952. All classes of repairs to Jail buildings, not borne on the books of the Public Works Department, will be carried out by the Jail Department, and will be paid for from the grant in the Jail Budget.

Repairs to
Jail build-
ings not
borne on
the books
of Public
Works De-
partment.

953. For buildings not borne on the books of the Public Works Department all sums required from the grants for "Original Works" and "Repairs" shall be expended with the sanction of the Inspector-General of Prisons, who shall allot funds for any work in any jail at his discretion, subject to the limit of sanction prescribed by rules.

Petty con-
struc-tion
and repairs
to buildings
not borne on
the books of
Public
Works De-
partment.

954. A list of buildings and other public works constructed by the Jail Department and not on the books of the Public Works Department shall be furnished to the Executive Engineer who will undertake periodic inspections if required by the Superintendent and advise as to the safety and condition of such structures and the repairs necessary to rectify the defects if any. The Superintendent of the Jail should ordinarily request for such inspection before undertaking the ordinary annual or special repairs.

Peri od ic
inspection
by the
Public
Works De-
partment of
buildings not
borne on
the Public
Works De-
part ment
books.
Accounts
rules for
Public
Works ex-
penditure.

955. (1) All accounts, books and records regarding the expenditure of money on public works, repairs or construction shall be kept distinct and separate from those of the prison and the factory.

(2) In the cash book the receipt and expenditure of money drawn under each individual allotment of funds shall be recorded separately.

(3) Materials purchased, including articles supplied from jail factories, shall be taken in stock in the prescribed register in which an account shall also be maintained of all materials obtained from buildings demolished. The Superintendent and the Jailer shall verify the stock of building material at least once in every quarter.

(4) When materials are issued from stock each issue shall be entered under the head of the work on which it will be expended and the number and date of the indent sanctioned by the Superintendent shall also be given. Each item of issue shall be signed by the jail officer receiving the materials.

956. Instructions as regards fire protection are contained in rule

Precautions 649.
against fire.

CHAPTER LV.

CORRESPONDENCE AND RECORDS.

957. Every reference made regarding a convict whether for disposal by the Inspector-General or for submission to Government shall be accompanied by a descriptive roll of the convict.

Descriptive roll to accompany reference.

958. (a) All correspondence should be arranged according to the subject. The classification of subjects shall be fixed by the Superintendent. The following classification is suggested but may be modified in any particular jail:—

Classification of correspondence.

- (1) Accidents, assaults or outbreaks.
- (2) Uniform and indents therefor.
- (3) Admission and release of prisoners, including correspondence regarding warrants, fines, and fine realisation statements, remission of sentence, release of moribund prisoners.
- (4) Annual reports and returns.
- (5) Appeals.
- (6) Bills and accounts, general maintenance and manufactory, including budget.
- (7) Civil prisoners.
- (8) Classification, separation of classes, including correspondence about habituals and previous convictions.
- (9) Convict officers, clerks and servants, their appointment, degradation.
- (10) Discipline, offences and punishments of convicts, rules and regulations.
- (11) Epidemics and outbreaks of infectious diseases, cholera and camping out.
- (12) Escapes and recaptures, guarding, watch and ward.
- (13) Establishment, appointment and dismissal, offences and punishments of jail officers, security and bonds, leave and transfer of officers, pay and travelling allowances.
- (14) Executions, obtaining hangmen and necessary appliances, reports of executions.
- (15) Garden, dairy and fish tanks.
- (16) General registers and returns.
- (17) Indents for clothing, blankets, bedding, stationery forms and other supplies.
- (18) Labour and employment of prisoners.
- (19) Lunatics.
- (20) Police-registered prisoners and finger impressions.
- (21) Prisoners' property and petitions.
- (22) Public Works, original works, petty additions and alterations and repairs and estimates therefor.
- (23) Sickness and mortality, and matters connected with sanitation, conservancy or medical administration.

- (24) Storing grain and purchase of supplies, including contracts.
- (25) Transfers and transportation of prisoners, including overcrowding, escorts, railway passes.
- (26) Visitors' remarks and inspection.
- (27) Miscellaneous.

(b) All letters received shall be entered in a single consecutive series for each year in the Register of letters received and letters despatched shall in like manner be entered in the Register of letters issued.

(c) The letters for each separate subject should be arranged in a bundle in order of date and a reference to the number of the bundle should be shown in the registers mentioned in (b).

959. Brief and unimportant communications should be made, as far as possible, on post cards. Nil returns should always be so submitted, and when two or more returns are blank, the fact can be intimated on a single card. Useless covering letters should be avoided, and endorsements employed instead.

960. Orders of Government and circulars of the Inspector-General shall be kept in separate book files, indexed and bound annually.

961. Erasures in jail registers are prohibited. If a correction is necessary, the original entry shall be scored through and the corrected entry made in red ink, and initialled and dated by the officer responsible for the maintenance of the register. Pencil entries and signatures or initials impressed by a stamp are prohibited.

962. In every case in which the Superintendent, Jailer or other jail officer is required to initial any register or book, the initials shall be accompanied by the date on which they were actually entered in the register.

Economy
of station-
ery.

Orders of
Government
and circulars
of the In-
spector-Ge-
neral.

Prohibition
of erasures.

Initials to be
dated.

CHAPTER LVI.

REGISTERS.

Under section 12 of the Prisons Act, 1894, the Superintendent shall keep, or cause to be kept, the following records :—

Statutory provisions.

- (1) a register of prisoners admitted ;
- (2) a book showing when each prisoner is to be released ;
- (3) a punishment-book for the entry of the punishments inflicted on prisoners for prison offences ;
- (4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison ;
- (5) a record of the money and other articles taken from prisoners and all such other records as may be prescribed by rules under section 59 or section 60.

963. The following registers and books shall be maintained in all jails in so far as they may be applicable :—

List of Registers.

I.—REPORT AND ORDER Books.

- Jailer's Report Book.
- Superintendent's Minute Book.
- Visitor's Minute Book.
- Medical Officer's Minute Book.

II.—GENERAL REGISTERS.

- Register of convicted prisoners admitted.
- Alphabetical register of convicted prisoners.
- Register of under-trial prisoners.
- Register of civil prisoners.
- Release diary of convicted and civil prisoners.
- Advisory Board Register.
- Register of judicial sentences of solitary confinement.
- Register of the number of prisoners locked-up each night.
- Daily abstract of all classes of prisoners.
- Labour distribution Register.
- Remission cards.
- Register of punishments inflicted on prisoners.
- Fetter Register.
- Gate Register for persons.
- Gate Register for articles passed in and out of jails.
- Warden's service Register.

Stock book of provisions, stores and dead stock (other than those belonging to the manufacturing department).
 Stock book of jail clothing and bedding.
 Register of live-stock and account of fodder, etc., purchased for the maintenance of cattle.
 Cattle Register.
 Register of security deposits of officers.
 Register of prisoners property.
 Register of Ammunition.
 Register of letters received.
 Register of letters issued.
 Postage Account.
 Peon book.
 Stationery stock Book.
 Forms stock book.
 Diet roll of all prisoners.
 Hospital case Book.
 Hospital Register and register of deaths.
 Nominal Registdr of out-patients.
 Hospital roll of sick diet.
 Invalid gang register.
 Register of non-criminal lunatics.
 Register of weekly weighment of prisoners losing weight.

III.—CASH TRANSACTIONS AND FINANCIAL ACCOUNTS.

Cash book (exclusive of manufactory transactions).
 Treasury Pass Book.
 Registers of contingent charges.
 Pay list and acquittance roll of the fixed and extra establishments.
 Register of advances to contractors for food-grains and raw materials.

IV.—MANUFACTORY REGISTERS.

Cash Book.
 Registers of contingent charges.
 Day book of raw material and stock.
 Store and sale book of manufactured articles.
 Ledger of raw material and stock.
 Ledger of manufactured goods.
 Ledger of credit esales.
 Register of Tools and Plant.

CHAPTER LVII.

REGISTERS OF THE GENERAL DEPARTMENT.

I.—REPORT AND ORDER BOOKS.

964. Directions for the maintenance of the following registers will be found respectively:— Report and order books.

For the Jailer's Report Book; in Rule 166.

For the Superintendent's Order Book; in Rule 37.

For the Visitor's Minute Book; in Rule 23.

For the Medical Officer's Minute Book; in Rule 58.

965. In the Superintendent's Order Book shall be recorded by the Superintendent all orders and minutes which he may make relative to the management of the Jail. The book shall be circulated to all subordinates concerned, each of whom shall add his initials against the instructions in acknowledgment that he has seen and understood them. Superintendent's Order Book.

966. In jails where the Superintendent is also Medical Officer, this register will be kept by the Medical Subordinate and submitted daily to the Medical Officer who will record his observations. In sub-divisional jails it will be kept by the Assistant Surgeon and will be submitted daily to the Subdivisional Officer. Medical Officer's Minute Book.

II.—GENERAL REGISTERS.

967. (1) This register is to be maintained in every jail where convicts are liable to be admitted. Every convict's name, with the particulars as indicated by the different headings, shall be entered in it as soon as possible. The entries in columns 4, 8, 22 and 23 shall be made by or under the control of the Medical Officer and the other entries by or under the control and responsibility of the Jailer. Register of convicted prisoners admitted.

(2) *Column 5.*—For a Christian, the denomination, for a Mussalman, the sect and for a Hindu, the particular caste should be given.

Columns 13 and 14.—Every sentence of imprisonment awarded and every period ordered in default of fine shall be entered separately in these columns. A single entry showing the sum total of several sentences is not sufficient. Care should be taken to note whether sentences of imprisonment are consecutive or concurrent.

Columns 22 and 23.—Weight is to be recorded in pounds without fractions. If a convict is weighed in clothes or irons, their weight must be deducted.

(3) In the descriptive rolls submitted to the Inspector-General for the transfer of prisoners to other jails, an extract of the entries in this register referring to the prisoner shall be made. On the receipt of such prisoner in the other jail, the entries contained in that roll shall be copied into the register of the new jail, in which the prisoner shall, of course, receive a new serial number.

Prisoners received into a jail in course of transfer from some other jail to some third one, shall not be entered in this register; but

prisoners received on conviction shall invariably be entered, although it is the intention of the authorities to transfer them immediately.

(4) When a registered prisoner escapes or is released on bail, if he be recaptured or remanded to jail during the same calendar year, he shall not have a new jail number or a new entry in the register, but if he be recaptured or remanded in a different calendar year, he shall have a new number, and be entered again in the register as a new admission.

(5) In case of a reconviction (as for escape) during any sentence the prisoner shall not have a new number or page of the register, but, on every such conviction, an entry shall be inserted containing the particulars relating to the new sentence.

(For instructions regarding P. R. prisoners, see Rule 566.)

968. This register (Form No. 7) is to be maintained in every jail where under-trial prisoners, whether remanded by a Magistrate or awaiting or undergoing trial before a Sessions Court are admitted. Entries in columns 4, 7 and 12 will be made by or under the direction of the Medical Officer.

Column 9.—Cause of detention should be shown: if for trial, the crime with which accused is charged should be noted but the crime of which he is actually convicted is to be entered in the 'Register of convicts admitted'.

Column 10.—If there are two warrants of commitment, first by a Magistrate for enquiry and secondly after enquiry for trial before the Sessions Court, both shall be entered.

Column 13.—Full details of the reason for discharge shall be given, e.g., acquitted, convicted, transferred, etc.

Column 15.—Shall show the duration of detention in the under-trial ward.

Column 17.—Property removed from the prisoner at the time of admission or subsequently is to be entered.

969. Columns 4, 8 and 15 of his register (Form No. 8) will be entered by or under the control of the Medical Officer.

Column 16.—Receipts and disbursements of diet money from creditors shall be entered both here and in the cash book. Any balance will be dealt with as directed in Rule 766.

970. (1) This register (Form No. 9) shall be kept by the Jailer. A page should be set apart for every day in a year. As a Rule 10 volumes in advance should be kept. Names of prisoners to be released after ten years should be entered on the last page of the last volume, and when new volumes are opened, carefully transferred to their proper place in them.

(2) On conviction of a prisoner his name shall be entered on the page devoted to the day on which he is to be released.

(3) If because of remissions earned or for other reasons a prisoner is entitled to be released before the expiration of his sentence, as calculated in (2) above, a line shall be drawn through the name as entered on the day of expiration, and a reference made to the day on which he is to be released; under which day a new entry shall be made. So in the case when a prisoner while in jail receives a further sentence.

Register of under-trial prisoners.

Register of civil prisoners.

Release diary of convicted and civil prisoners.

(4) If a prisoner receives a sentence of imprisonment and also of fine, with additional imprisonment in default of payment, entries shall be made in the release diary in accordance with the instructions in Rule No. 246.

(5) Transfer shall not be made in the release diary on account of anticipated remission of sentence till such remission has been calculated and sanctioned by the Superintendent as required by Rules Nos. 345 and 347.

(6) For entries as regards P. R. prisoners, *see* Rule 565.

971. For instructions for keeping this register, *see* Rules Nos. 815 and 816.

Register of
judicial sen-
tences of soli-
tary confine-
ment.

972. This register shows the manner in which each ward, block, etc., was occupied during the night so that over-crowding of any building may be at once noticed. The Head Warder or other officer deputed shall insert in the lock-up report book a note of the number in each ward at lock-up time, and the jailer or his assistant shall on the following morning enter the numbers in the Lock-up Register (Form No. 11).

Register of
the number
of prisoners
lock-up each
night.

973. This register shall always be written up on the morning after the day to which it relates.

Daily
abstract of
all classes of
prisoners.

974. This register in Form No. 14 shall be written up early on the following day. Prisoners admitted or released on any day and not working shall be entered as exempted from labour. On Sundays and holidays all prisoners, except the sweepers, cooks, overseers, etc., who work every day are exempted from labour. In making up averages from this table Sundays and holidays shall always be excluded and may therefore, be left blank.

Labour dis-
tribution
Register.

975. (1) On the admission of any prisoner entitled to the grant of ordinary remission under the rules, the Jailer shall prepare, or cause to be prepared, a "Remission Card" in respect of such prisoner. All the entries on this card shall be made with great care; the register number of the prisoner must be entered in the appropriate space in bold figures. No knife erasures shall be permitted, but clerical inaccuracies shall be crossed through and the corrections shall be initialled by the Jailer personally.

Remission
cards.

Prisoners who, though not entitled to the award of ordinary remission, have been granted special remission, shall similarly be provided with remission cards whenever necessary.

(2) Before the end of the first week of every month the award or forfeiture of remission shall be copied into this card from the prisoner's history-ticket, under the initials of the entering officer who shall, at the same time, verify the accuracy of the various entries in the prisoner's history-ticket relating to remission awarded or forfeited, during the past month. Any extraordinary remission of sentence that may have been granted by Government, independent of the remission system, shall be entered in red ink in the column for special remission.

(3) During the last year of imprisonment, the date of release (after deducting the remission actually earned) shall be entered in the appropriate column as a guide to the preparation of the Monthly Remission Roll (Rule 353).

(4) The responsibility for the accuracy of each entry shall rest with the officer whose initial is appended to such entry, and any undue detention or release of any prisoner resulting from the inaccuracy of such entry shall render such officer liable to punishment.

(5) Remission cards shall be kept in a special locked box or almirah divided into compartments.

(6) Cards shall be arranged in each compartment serially according to the register numbers of the prisoners.

(7) No prisoner shall, under any circumstances, be allowed access to any remission card.

(8) Remission cards of released prisoners shall be preserved for one year after the release of such prisoners.

Register of
punishments
inflicted on
prisoners.

976. (1) The entries to be made in the punishment-book are laid down in section 51 of the Prisons Act. The book shall be maintained under the immediate supervision of the Superintendent by the Jailer or some other upper subordinate deputed in writing. The entry of the particulars relating to a prisoner and his offence when not entered by the Jailer himself, must be with his cognizance, while those of the punishments and dates of award shall be in the Superintendent's own handwriting.

(2) It is of great importance that prisoners shall not continue to undergo punishment for longer periods than those ordered by the Superintendent. On the day an order for any punishment which will continue for any specified term is given effect to, the date of expiry of the term of such punishment shall be calculated and the date of commencement as well as of expiry of the term of punishment shall be entered in the prisoners' history-tickets. The Superintendent shall see that no prisoner undergoes punishment for a longer period than that ordered by him.

(3) At the end of each month a record shall be made in this Register of—

- (a) The total number of punishments inflicted;
- (b) The daily average strength of convicts (casuals and habituals);
- (c) The percentage of casuals punished;
- (d) The percentage of habituals punished;
- (e) The percentage of major punishments inflicted on habituals.

This information shall also be incorporated in the Annual Report.

Gate Regis-
ters.

977. The gate warden is responsible for the maintenance of these registers.

Warders' service re-
gister. 978. For instructions regarding the keeping of this register, see Rule 182.

979. (1) A separate account shall be opened for every kind of stock not appertaining to the Manufactory Department, except clothing and dairy stock and produce for which there are separate registers : not only shall purchased stores be entered, but also all produce from jail lands, fish tanks, etc., and all bye-products of any value resulting from the preparation of any article for jail use, such as broken rice (*khudi*), bran, *dal* husk, oil-cake, etc. A sufficient number of pages should be set apart for each article to contain the account for one year.

Stock book
of provisions,
stores and
dead-stock
(other than
those belong-
ing to the
manufactur-
ing depart-
ment).

(2) On the "Receipt" side shall be entered full details of each article purchased or brought into store. The Superintendent, before signing an abstract bill, shall satisfy himself that every item of stock or stores charged for in the bill is entered in this register ; and the officer who prepares the abstract bill shall note opposite each item in the Stock Book the number and date of the abstract bill in which the item is included. All articles taken from the Manufactory Department or received from other jails for use in the service of the jail shall be entered in the Stock Book in red ink. It is not necessary to re-enter the list of dead-stock month after month ; dead-stock shall be entered once for all in order of purchase, and no balance need be struck until the opening of a new register. There need be only three dead stock accounts, *viz.*, for culinary utensils, including *thalies* and *kutubrahs* ; for conservancy utensils, including vessels for water-carrying ; and for all other articles, such as office furniture, fetters, handcuffs, *kudalis*, etc, etc.

(3) A money column is given only on the purchase side of the account ; the valuation of the stock disposed of each day is difficult, if not impossible, as a single disbursement may include goods purchased at different rates at different times ; a general valuation, when the balance is struck each month, will suffice for all practical purposes. The disposal of any article of dead-stock by fair wear and tear, breakage, or loss shall be recorded on the disbursement side with the necessary explanation, and at the same time the entry of the article on the purchase side shall be scored through in red ink, so that when a new register is opened once a year, the unerased entries can readily be copied into the new book. Likewise any loss or damage of stores shall be entered on the disbursement side in red ink and shall be reported to the Inspector-General with a statement of who is responsible for the loss, or how the article became damaged.

(4) The receipt and disposal of stock should be recorded daily as soon as possible after each transaction takes place ; but if this account be balanced once a month, it will suffice, as the abstract stock account is to be drawn up only once in six months. This monthly balancing of the stock account shall, however, be insisted on, otherwise the work may be allowed to fall into hopeless arrears. The Jailer may depute a subordinate to receive and weigh, measure or count, provision, etc., received into store, and the Superintendent shall direct by whom the account is to be kept, but the Jailer shall closely supervise and check the work of his subordinates, as he is responsible for the quantities actually received and issued to the cooks or otherwise disbursed.

(5) Rule 1064 applies to the General Department for verification of stock (including clothing and dairy stock) by the Superintendent.

Stock book
of jail clothing and bedding.

980. Column 6 = The total of columns 2, 4 and 5.
 Column 7 = column 3 minus column 5.
 Column 11 = column 6 minus columns 8 and 9.
 Column 12 = column 7 plus column 8.

Every entry of unserviceable clothing written off shall be initialled by the Superintendent in column 10.

Register of live-stock and account of fodder, etc., purchased for the maintenance of cattle.

Register of Security Deposits.

981. The purchase and disposal of draught bullock and other cattle and fodder, etc., required for their maintenance should be recorded in this register. Part I of the form deals with the receipt and disposal of live-stock and Part II with the purchase and disposal of fodder, etc.

982. All instalments of security deducted from pay shall be entered in this register, likewise the dates on which they are paid into the Savings Bank. The Superintendent should examine this register every month and ascertain that the rules relating to security are complied with; he should compare the entries with the Cash Book and Savings Bank pass books. The name of every officer who has to furnish security shall be entered in this register. In cases when the full amount of security in Government promissory notes has been given, a note to this effect should be made in the column for remarks, the number and date of the acknowledgment or receipt of the security by the Inspector-General being stated.

Register of prisoner's property.

Register of ammunition.

Correspondence and stationery and forms Registers.

Diet roll of all prisoners.

Hospital Register and Register of deaths.

Hospital roll of sick diet.

Invalid gang Register Register of weekly weighment of prisoners.

983. Only money and jewellery is to be entered in this register as instructed in Rule 449(2).

984. This register shall be maintained by the Reserve or Senior Head Warder and shall be initialled by him and by the Superintendent whenever receipts or issues of ammunition occur.

985. Register of letters received.
 Register of letters issued.
 Postage Account.
 Peon Book.
 Stock Books of stationery and forms.

For instructions as to the maintenance of the first two registers, see Rule 958(b). The other registers are as prescribed by Government for all departments.

986. See instructions printed on the form.

987. This register and other hospital records shall be kept under the direction of the Medical Officer who is responsible for their correctness. The instructions in Rule 672 as regards deaths must be strictly complied with.

988. The form is self-explanatory.

989. For instructions see Rules 675-77.

990. For instructions see Rule 676(2).

CHAPTER LVIII.

CASH TRANSACTIONS AND FINANCIAL ACCOUNTS.

NOTE.—These rules are subject to the rules contained in the Assam Financial Rules, the Assam Contingency Manual and the Assam Budget Manual.

991. The business transactions of a jail are divided between two entirely separate departments—the Manufactory and General—each of which is self-contained and independent of the other. The system of accounts in each department is similar, though the various forms and records used are, for the most part, different. Every article which enters, or leaves, or is produced, or consumed in a jail, must be checked and accounted for in one or other of these departments. The Manufactory Department deals with raw materials, manufactured articles, dead and live-stock used in the Manufactory. The General Department deals with everything else.

992. All the books shall be paged before they are begun to be used, and the Superintendent shall sign a memorandum on the first page to the effect that the book contains so many pages.

The daily books and ledgers shall be examined each day by the Jailer, and shall not on any account be allowed to fall into arrears. At each inspection the Superintendent should initial and date these books and ledgers. *See Rule 1000.*

993. No erasures can be permitted in any documents, registers or accounts relating to money or stock. If alterations should be necessary, they should be made by passing the pen through the incorrect item in red ink, and writing the corrections above, and all such corrections shall be initialled by the person who signed or has to sign the documents. Corrections in the total of a bill must be attested under the dated initials of the Superintendent. Before submitting accounts or bills to the office of the Inspector-General, the Superintendent shall satisfy himself that no erasures appear upon them; and he shall reject any documents so altered and have new ones prepared and signed.

994. The accounts of the General and the Manufactory sections of all jails shall be systematically and periodically audited by the Outside Audit Staff of the office of the Comptroller, Assam.

995. Chapter LIX deals with the accounts of the Manufactory Department.

996. Every Superintendent of a jail shall furnish the Inspector-General annually, not later than the 15th August, with a budget estimate and the Inspector-General shall make due provision in his budget for all sums necessary for the maintenance of each prison and the purchase of raw material for manufactures, worksheds, machinery, etc.

997. (1) Provision having been made in the budget and having been accepted by the Local Government is no ground for expenditure; previous sanction must always be obtained in cases where such sanction is necessary, and in sending up applications for expenditure for which provision has been made, it must always be stated in the application, (1) that sufficient provision to meet the expenditure exists, (2) the head of the budget under which such provision is made, and (3) the reasons which require the expenditure.

Business transactions of the General and Manufactory Departments.

Registers to be paged and regularly examined.

Erasures forbidden.

Audit of Jail Accounts.

Accounts of Manufactory Department.

Submission of budget.

Sanction for expenditure provided for in the budget.

Procedure
where there
is no budget
provision.

(2) Any expenditure not provided for in the budget, or for which no sufficient provision has been made in the estimates, must, of course, not be incurred, and no application need be submitted for sanction to such expenditure, unless the matter is of the most urgent necessity, and in this case a very full explanation will be needed as to the necessity for the expenditure, and an indication must be given as to the heads of the same budget from which a sufficient saving is anticipated. If no re-distribution of funds is possible, the application will as a general rule, be refused. This will often be the case, also, even if a re-distribution of grant is possible, as it is incumbent upon officers, by fore thought and a careful preparation of their estimates, to obviate the necessity for such applications. Should, however, circumstances arise as to render it necessary to prefer such an application, it should be made in the prescribed form.

NOTE.—For rules in regard to repairs to or construction of jail buildings, see Chapter LIV.

Cash Chest.

998. Every jail shall be provided with a cash chest in which money belonging to Government or to prisoners, any jewellery of prisoners, documents of value and the service books, security pass books, and cash receipt books shall be kept. No private money or valuables, except prisoners' property, shall be kept in this chest. All cash kept therein must be entered in the cash book. The Jailer shall keep the keys of the chest and be responsible for the correctness of the contents.

NOTE.—Reference is also invited to Rule 6 of the Assam Financial Rules and to Rule 2 under Article 199(b) of the Civil Account Code, Volume I.

Cash Book.

999. (1) A cash book shall be maintained by the Jailer for the record of all cash transactions connected with the General Department of the Jail.

(2) Every receipt and disbursement of money shall be entered in the cash book on the date on which it occurs.

(3) The receipts and disbursements shall be balanced daily, and when the balance is struck, a note shall be appended showing details of the heads to which the money appertains, e.g., :—

	Rs.
Permanent advance	90
Civil prisoners' diet money	15
Prisoners' property	5
Refunds to be made or sale-proceeds of Government property, e.g., vegetables (not manufactures)	10
 Total	 120

(4) The balance shall be daily initialised by the Jailer in token of its correctness and before doing so, he shall satisfy himself by actual examination of the cash in hand that the balance and cash correspond, and that the items shown in the note are correct.

1000. Once a week or oftener, the Superintendent shall examine the Jailer's cash book, check the entries in it by the vouchers, test the correctness of the balance by comparison with the actual cash in the cash chest and initial the book in token that he has satisfied himself as to its accuracy. A similar procedure shall be followed when there is a change of Superintendents or of Jailers.

1001. The total of each bill by which money is drawn should be entered in the receipt columns of the cash book without details. Each bill should be quoted by its date and general character as bill for salary, diet, etc. Full details of payment shall be given in the payment column.

1002. Receipts and disbursements on account of civil prisoners' diet shall be entered daily, the amount paid on account of each prisoner being shown separately. In checking these entries, reference shall be made to column No. 16 of the civil prisoners' admission register showing the daily allowance granted and to the counterfoil of the receipt book for diet money. When prisoners' cash property is entered in the cash book, the prisoners' register numbers, as well as their names, shall be entered in both the receipt and expenditure side.

1003. (1) Each jail shall be allowed a permanent advance for making payments before bills can be drawn. A portion of the permanent advance may be placed to the credit of the Manufactory Department.

(2) The rules relating to the utilization of the permanent advance for contingent expenditure are contained in the Assam Contingency Manual and Rule 28 of the Assam Financial Rules. The note to Subsidiary Order 59(6) in the Assam Financial Rules provides for the case when the advance is running short.

1004. (1) All large payments shall be made by drawing the amount from the Treasury on a bill in the prescribed form, the Superintendent or Jailer delivering the money to the person to whom it is due.

(2) Remittances to suppliers of goods in other stations shall be made by Remittance Transfer Receipts save when the sum to be remitted is less than Rs. 15 in which case payment shall be by postal money order at the public expense. See Assam Financial Rule 27.

1005. All small payments due by the General Department shall be made by the Jailer from the permanent advance.

1006. If purchases are made through a contractor, it must be specified in the contract deed that he will be expected to act without an advance of money, as such advances can only be made in special cases and with the previous sanction of the Inspector-General. A settlement of account should be made as often as possible, and in every case before the close of the month, so that at the end of the month no article will have been received into the jail for which payment will not have been made. In drawing up contracts, an express stipulation shall be made that the contractor will attend on the last day of the month for the purpose of settling all outstanding dues. If an advance is considered altogether unavoidable, owing to exceptional circumstances, the

Check by Superintendent.

Entry of totals of bills by which money is drawn.

Entries regarding civil prisoners' and prisoners' property.

Permanent advance.

Large payments how made.

Small payments, how made.

Advances to contractors.

Superintendent of Jail shall obtain the previous sanction of the Inspector-General to such advance, and he shall maintain in addition to the ordinary accounts registers a register of advances in the prescribed form; separate volumes shall be maintained for advances for food grains and advances for petty construction.

Jail receipts not to be used for meeting expenditure. 1007. No expenditure shall be met from money received from the sale of manufactures, garden or farm produce, or any other Government property, which must be paid into the Treasury intact and without delay.

Treasury drawings to equal actual requirements. 1008. (1) Money shall not be drawn from the Treasury until it is required for disbursement. The practice of drawing sums in addition to, and in excess of, the permanent advance, for payment of rations or other special charges, and of keeping these in hand, as a separate and unauthorized permanent advance, is prohibited.

(2) If prompt payment is found later to be impracticable the money drawn shall immediately be refunded into the Treasury.

Receipts for payments. 1009. (1) A receipt shall be taken from the vendor for any disbursement. The receipts shall be in the language known by the payee who shall state in words the amount he has received.

(2) Separate receipts shall be obtained from the vendors for payments under each head of charge, and before sending the detailed bill to the office of the Inspector-General, the receipts in support of each shall be sorted together, fastened in bundles at the corners, and labelled in large letters "Dietary Charges", "Clothing", "Sanitation", etc., according to the description of charges they support. The same principle applies not only to countersigned contingent charges but to other charges. A vendor receiving payment exceeding Rs. 20 for supplies charged for under more than one head shall note the sums of the several receipts and the total amount received on the back of one receipt, to which a receipt stamp shall be affixed.

(3) All receipts for cash payments shall bear two series of numbers; firstly, a serial number for the year, and secondly a number for the month. The former shall be entered upon the receipt at the time it is given by the recipient of the money; the latter at the close of the month, after the receipts have been arranged in accordance with (2). In order to render it impossible for a subordinate to tender a receipt taken during one month in support of a charge of any other month, each receipt shall be headed distinctly.

"No. for the month of January" or any other month for which it may be. The yearly number of the voucher should be noted in the cash book in the column for the purpose.

(4) All receipts shall be countersigned by the Superintendent after he has satisfied himself that they are genuine. No receipt, signed by a subordinate, except for his own salary, shall be accepted.

NOTE.—See section IV, Chapter I, Part I of the Assam Financial Rules.

Method of drawing money. 1010. A bill in the prescribed form should be used to draw money from the Treasury for any purpose except establishment travelling allowances and prisoner's private property. Each item of expenditure must be placed under the appropriate main head and sub-head in accordance with the classification in Rule 1013.

The detailed heads for "Jail Manufactures" and "Works" are as shown in the budget.

1011. All the payee's receipts shall be compared by the Superintendent with the entries in the cash book and each receipt shall be countersigned by him after he has satisfied himself that it is genuine. He shall at the same time compare the entries in the treasury pass book with those in his cash book relating to all payments to, and receipts from, the Treasury, and see that the books agree.

1012. In the treasury pass book shall be entered by the Treasury Officer every money transaction between the jail and the treasury. The entries therein will be made by the treasury clerks only, and will be attested by the Treasury Officer's initials. No jail officer is to make any entry or alteration therein. The treasury pass book will be totalled monthly, both on the receipt and on the disbursement side. Whenever the Superintendent discovers any discrepancy between the treasury pass book and jail cash books either in the omission of, or the amount of, an entry or any other irregularity, he shall at once bring the matter to the notice of the Treasury Officer and ascertain the cause. If the irregularity is not corrected, it shall be reported to the Inspector-General. The rules for conducting business with the Treasury require that the pass book shall be sent to the treasury whenever money has either to be drawn or paid in.

1013. All jail expenditure of the general department is classified, for purposes of departmental and financial control as follows:—

NOTE.—For the purpose of appropriation accounts and control of expenditure, however, the classification follows the budget heads which do not agree with the account heads.

Superintendent to verify receipts, cash book, and Treasury Pass Book.

The Treasury Pass Book.

Classification of expenditure.

Main heads adopted by the Financial Department.	Sub-heads required for administrative purposes.	Classification of items.	
		1	2
1. Dietary Charges.	A.—Rations	...	This sub-head should include cost of provisions and fuel for prisoners, except hospital diets and extras ordered by the Medical Officer. No charge shall be made for vegetables, condiments, cereals, firewood or fish obtained from the jail premises, and such articles should not also be included in Assam Schedule XLIV Forms 48, 63 and 64.
	B.—Miscellaneous dietary charges.		This sub-head should include ordinary recurring expenditure on such items as earthen pots and plates, leaves for plates, jars for pickle, sacks for grain, sifters, <i>tawas</i> , <i>sups</i> , grain-baskets, tinning, cooking utensils, repairing grind-stone or any culinary utensils or receptacles for provisions, diet of children in jail with their mothers, fish fry for stocking jail tanks, articles for fishing or expenses in getting fish from jail tanks, cartage of provisions to the jail, also the cost of metal pots and plates and wooden platters and paddy mills, and <i>dhenkis</i> —if these articles are not likely to last for three years, but if they are, the cost should be included in column 2-B ("Dietary dead-stock").

Main heads adopted by the Financial Department.	Sub-heads required for administrative purposes.	Classification of items.
		1 2 3
	C.— Garden and Agricultural expenses.	This sub-head should include ordinary recurring expenditure on such items as seeds manure, country ploughs, "mots" and ropes for irrigation, garden baskets, or bamboos or cane for making them, <i>tokas</i> or sun-hats, nets for fruit trees, <i>kudalis</i> or "phooras" (hoes), and <i>ddus</i> or knives, not likely to last three years.
1. Dietary Charges— concl'd.	D.—Proportionate share of dairy expenses.	The working expenses of the dairy should be divided between this head and ' Hospital charges ' in the proportion in which the produce of the dairy is used for the general dieting of the prisoners, or for the sick and infirm. Such items as fodder straw, medicines, fuel, rope, bamboos, attendants (if not in the regular establishment) should be included here, but not expenditure for livestock, plant or appliances likely to last for three years or upward.
	A.—Sick diet and extras for patients	This sub-head is for food and fuel only.
	B.—Cost of extra or special diet, etc., for prisoners who are in weak health, but who are not in hospital.	No remarks.
2. Hospital Charges.	C.—Medicines and hospital equipment.	This sub-head will show the cost of medicines, whether purchased locally or supplied by the Medical Store Department, also of rum procured for the sick from the Commissariat Department. Hospital equipment will include such articles as hospital pillows, bedding and clothing, splints, hospital bed pans and urinals, (if not coming under the definition of extraordinary expenditure), expenses for repairing such articles, cloth for bandages, <i>sajji matti</i> or soap for hospital use, etc.
	D.—Proportionate share of dairy expenses.	See above " Dieting Charges " (D).

Main heads adopted by the Financial Department.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
3. Clothing and Bedding of Prisoners.	.....	Not only the cost of new clothing and bedding, but all charges for repairs (needles-thread, cloth, etc.) should be included under this head. The cost of new bedsteads (wood or iron) should be included under "Extraordinary expenditure," Miscellaneous, column 9 (J).
4. Sanitation Charges.	A. - Conservancy, washing, and purifying.	Under this sub-head should be included all Municipal charges for special conservancy work done, expenditure for brooms, tar or pitch, privy and dry earth baskets, or bamboos for making such baskets ; rope for <i>methars</i> or jute for making it ; <i>kudalis</i> or hoes for conservancy ; soap or <i>sajji mati</i> for washing prisoners' clothes ; shell lime for white-washing (if not treated as a Public Works charge) ; earthen pots and vessels for conservancy ; repairing conservancy utensils, carts, etc., cartage of river mud for mud washing ; disinfectants, sulphur for fumigation, and other conservancy items not coming under the definition of "Extraordinary expenditure".
	B.—Charges for water-supply.	Water-tax or rate paid to a Municipality will be an exception to the rule that municipal taxes shall be included under the head of "Contingencies;" it should be included here (unless no service is rendered for it). Likewise such charges as ropes for drawing water for service of the jail; <i>masaks</i> , <i>mots</i> , and other appliances for this purpose ; glasses for examination of water, and expenses in connection with water-analysis ; repairs of pumps, pipes, reservoirs or tanks ; water receptacles, carts or other appliances for distributing water and renewal of parts ; coal or firewood for boiling drinking water ; "Extraordinary expenditure" being excluded.
	C.—Extraordinary charges.	This sub-head should contain the cost of cholera camps and other measures taken in emergencies to preserve health. Cholera camp charges will include cost of temporary shelter, bamboos, string, mats straw for bedding, carriage of water, materials for sick prisoners, and other charges strictly due to camping out the prisoners. The cost of extra guards will be included under this head, but not of those deputed from the ordinary establishment.

Main heads adopted by the Financial Department.	Sub-heads required for the administrative purposes.	Classification of items.
1	2	3
5. Charges for moving Prisoners.	A.—Transfer charges and road subsistence of convicts.	This sub-head should include railway fares and carriage of transfers, and subsistence and other expenses for dieting prisoners in transit (except when transportation prisoners are despatched from the collecting jails for deportation) ; railway fares and carriage, when necessary, of released convicts ; subsistence allowance or gratuities given to convicts on release, if granted for subsistence on the journey home, but not if granted as rewards ; clothes for released convicts transfer charges for lunatics sent to asylums.
	B.—Transportation charges.	Only charges connected with the despatch of convicts from their provinces for deportation to Port Blair should be included in this column, not charges for maintenance, clothing, etc., whilst detained in the provinces awaiting deportation or transfer charges for removal to the collecting Central Jail of the province. Such items as railway fares and carriage, subsistence on the journey, cost of clothing, blankets, bedding, fetters, hand-cuffs and hand-rings sent away with the prisoners will come under this heading.
	A.—Lighting charges.	This head should include such items as gas-rates, provided the gas is used (this rate will also be an exception to the rule that municipal rates shall be charged to contingencies, if the gas works are under a Municipality), kerosene or other lamp oil wicks, renewal of lamp glasses, repairing gas pipes, lamps, etc., oil pumps. "Extraordinary charges" are to be excluded.
	B.—Disciplinary charges.	This head should include such items as materials for repairing neck rings, anklerings, wrist-rings, or fetters; iron for rivets; smithy coal, neck tickets, leather canvas for gaiters; canes for flogging; bela nuts for marking clothes, etc., combs for females; shaving or hair-cutting charges, repairing locks and keys. "Extraordinary charges" excluded.
	C.—Uniform and equipment of warders.	This head should include such items as uniform, shoes, great-coats, umbrellas for warders, ammunition (when paid for); repairs to arms, accoutrements, or uniform ; oil for arms. "Extraordinary charges" for new arms, accoutrements, arm-racks, etc., are to be excluded.

Main heads adopted by the Financial Department.	Sub-heads required for administrative purposes.	Classification of items.
1		8
	D.—Rewards for recapture and service.	This head should include such items as reward for recapturing prisoners ; gratuities to prisoners for good conduct or extra work ; allowances to convict warders ; allowances to recovered lunatics ; rewards for meritorious service.
	E.—Execution charges.	This head should include such items (if paid by the Jail Department) as the cost of temporary gibbets, execution ropes, cap, pay of executioner and <i>doms</i> , cremation or burial. Expenditure for permanent plant should be included under "Extraordinary charges," Miscellaneous, column 9(J).
6. Miscellaneous Services and Supplies— <i>concl'd.</i>	F.—Other miscellaneous services and supplies.	This head should include such items as oil forunction for females, aged and infirm, coolie-hire, carriage and freight, packing, umbrellas for convict overseers, books, pamphlets, and slates for education, brass wire, wire netting (unless required for the garden), dyes, camphor, "Rough on Rate" packing charges, paint and paint brushes, linseed oil, saws, enamel, solder " <i>gurgas</i> ," burial charges, pardahs for ward windows, mats for closing windows or for prisoners to sit upon bamboos for making these, chalk, glue, fodder, straw, and medicines for draught cattle, shoeing of bullocks. "Extraordinary charges" should be excluded.
7. Travelling Allowance.	.....	This sub-head should include travelling allowances of non-gazetted officers, not allowances paid to gazetted officers.
8. Contingent charges.	A.—Rent, rates, and taxes.	Water-rates and gas-rates are to be <i>excluded</i> ; the former will be included in column 4(B), and the latter in column 6(A).
	B.—Service postage.	Water-rates and lighting and conservancy taxes may, however, be included under this head, if no service is rendered, and the payments are simply made as taxation, the water-supply, etc., being otherwise arranged for.
	C.—Telegraph and Telephone charges.	To include cost of postage stamps and postage on unpaid covers.
		To include cost of telegrams and rent of telephone lines.

Main heads adopted by the Financial Department.	Sub-heads required for administrative purposes.	Classification of items.
		1 2 3
	D.—Current office expenses.	To include country stationery, book-binding, gharry-hire of officer (if allowed), dusters, matches, oil for punkha-wheels, cost of hanging and removing punkhas, punkha-rope, repairing and polishing furniture, and similar charges.
8. Contingent charges—concluded.	E.—Office furniture.	To include cost of almirahs, racks, shelves, tables, desks, chairs, stools, mats, floor matting, daris or carpets, pardahs, iron safes, punkhas, punkha fringes, clocks, gongs, letter scales and weights, water goblets and glasses for officers, and the like. This is an exception to the rule that "Extraordinary expenditure" is to be shown separately.
	F.—Registers and stationery.	To include Stationery Department charges and all printing charges.
	A.—Conservancy and water-supply, dead-stock.	This sub-head should include such items as Donaldson's Ejectors, iron urine tubs, conservancy pans, etc., iron blanket boilers, water-pumps, pipes* or reservoirs, water carts, iron water-tanks or drums, iron or brass taps, iron or wooden buckets, hot-water apparatus (if of a lasting kind and for boiling drinking water).
	B.—Dietary dead-stock.	NOTE.—Where these articles are supplied by Public Works Department workshops, the Jail Department should be debited and the Public Works Department credited with their value. (Expenditure on buildings, however, is recorded in the accounts of the Public Works Department, and should be excluded from the accounts of the Jail Department.)
9. Extra-ordinary Charges for Livestock, Tools, and Plant.	C.—Hospital dead-stock.	To include cooking ranges or "Donaldson's Chulas," grain carts, wheat mills, scales and weights for grain godowns or cooks, if of metal, iron or copper cooking utensils, ovens, if of iron or other lasting material; iron or brass cups or plates, axes, and the like.
	D.—Garden and agricultural plant.	To include cost of iron beds covered iron pans, iron urinals or metal bed-pans, skereta incinerators, and similar lasting appliances.
		To include iron ploughs, fencing, pumps for irrigation, wells (if not treated as a Public Works charge), or other lasting plant.

Main heads adopted by the Financial Department.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
	<p>E.—Lighting, dead-stock.</p> <p>F.—Disciplinary stock.</p>	<p>Here should be shown the cost of laying down gas-pipes or of new kerosine or other lamps of a substantial kind likely to last for three years or upwards, iron oil tanks, and such like lasting plant.</p> <p>To include the cost of weighing machines or scales for weighing prisoners, measuring roads, or instruments for anthropometry, iron for fetters and wrist-rings, blacksmiths' implements for making fetters, etc., (if likely to last three years), new locks, handcuffs, removable fetters, flogging triangles, hair clippers, scissors or razors (if lasting for three years and upwards) steel dies and types for numbering neck tickets, and similar lasting stock.</p>
9. Extra-ordinary Charges for Live-stock, Tools, and Plant concl'd.	<p>G.—Arms and accoutrements.</p> <p>H.—Dairy live-stock and plant.</p>	<p>To include original cost of arms (if charged for), belts, badges, pouches and bayonet scabbards, bayonets, arm racks, snap caps, alarm rattles, etc.</p> <p>To include cost of cows, cream separators, iron or metal milk pails or receptacles, lactometers, metal or wooden churns, cow-sheds (if they are not buildings, erected by the Public Works Department), and other lasting plant. Maintenance charges to be included under "Dietary charges" (D) and "Hospital" (D).</p>
	<p>I.—Draught cattle.</p> <p>J.—Other Miscellaneous dead-stock not coming under the above heads.</p>	<p>To include the cost of bullocks, horses, ponies, and sheds for sheltering them (if not charged to Public Works). Maintenance charges to be included under "Miscellaneous services" (F).</p> <p>To include iron cots or beds (except when intended for the hospital), permanent gibbets, ladders, and other stock which cannot be classified under above heads.</p>

1014. If expenditure is incurred on any item not included in the above list, the Superintendent will be guided in classifying it by the principles enunciated above; it is not intended that the classification shall be minute and elaborate beyond any useful measure; the object is to reduce to a minimum the chance of such an inaccuracy as would have a serious effect in comparing the financial results of different Jails.

Expenditure not provided for in the above schedule.

Authority
for pay-
ments.

1015. No expenditure may be incurred without authority. All charges on account of establishment must be in accordance with the scale sanctioned by Government, or in the case of temporary establishments by Government or the Inspector-General.

Bazar
medicines.

1016. (1) Bazar medicines may be purchased, on the written authority of the Medical Officer and the vouchers signed by the Medical Officer shall be submitted with the contract contingent bill.

European
medicines.

(2) The local purchase of European medicines is not permitted save in cases of extreme urgency and then only with the sanction of the Inspector-General, save that in case in which they are immediately necessary such medicines may be purchased in anticipation of sanction.

Charges
which
require the
special
sanction of
the Inspect-
or-General.

1017. Charges of the following descriptions *inter alia* require the special sanction of the Inspector-General, which shall be obtained previously to incurring the expenditure, but when there is extreme urgency, expenditure may be incurred in anticipation of sanction, which shall be applied for without delay:—

Charges for extra establishment, construction or repair either of ordinary jail buildings or manufactory sheds, arms and accoutrements; books; charges exceeding Rs. 50 for articles purchased at one time under the head Extraordinary charges for live-stock, tools and plant; ground rent; expenditure for storing provisions or materials, for tools and plant for manufactory purposes; and in any case when the budget grant is not sufficient to cover the proposed expenditure. Rules for the supply of articles for the Public Service are contained in Appendix 2 to the Assam Financial Rules, which should be strictly complied with. Payment of municipal taxes on jail buildings may be made without the sanction of the Inspector-General when the bills are countersigned by the Executive Engineer of the Division concerned and are supported by the tax collector's receipt.

Magistrate
to meet
expenses of
duting and
conveyance
of under-
trials except
where they
are under
charge of
jail officials.

1018. All expenses incurred for prisoners who are not under the direct charge of jail officials should be met by the Magistrate; all charges, therefore, for dieting prisoners in Police lock-ups, *hajats*, or in custody in Magistrates' camps and those for conveyance of under-trial prisoners, should not be shown in any Jail Return. All charges, however, for the transfer of convicts from the one to another should be met by the Jail Department, notwithstanding the fact that during the period passed in transit they are in the custody of the Police.

Payments
by book
transfer.

1019. All payments of amounts due to any department of Government, whether in or outside the province, should be made by book transfers, adjusted by the Comptroller, except when such transfers do not suit the methods of account or of business adopted by the receiving Department.

1020. (i) If any charge is made against a jail for work done by, or articles supplied from :—

(a) the Manufactory Department of the same jail, or
 (b) the Manufactory Department of any other jail in the province, or
 (c) any other Department of Government either within or outside the province, or any jail outside the province, the amount of such charge shall be added to the monthly bill of the jail (in the branch supplied, *i.e.*, general or manufactory, as the case may be) with the necessary details, and the total thus arrived at shall be deducted from the budget grant to work out the available balance.

(ii) In the case of (a) and (b) and also of supplies and services to other departments of the same Government, the cost of such service or supplies should be treated as reduction of expenditure of the jail by which the service is rendered or the articles supplied; in other words, the cost should be deducted from the total expenditure in the monthly manufactory bills of the jail and exhibited separately as follows :—

(i) *Deduct.*—Recoveries from jails.

(ii) *Deduct.*—Recoveries from other departments of Government.

When, however, service is rendered or articles supplied to jails and Government department of a different Government, the receipts should be credited as revenue of the recovering jail.

(iii) In all cases a countersigned copy of the invoice shall be attached to the bill in support of the debit or credit.

NOTE.—See also rules in section II of Chapter LIX and rules 33, 40 and 41 of the Assam Contingency Manual.

1021. (1) All passages by rail or steamer or Shillong-Gauhati motor service to prisoners, proceeding on transfer from one jail to another or to their homes on release, shall be provided by means of passage warrants, and under no circumstances shall money be given in cash for this purpose either to the officer in charge of escort or to the prisoners, except in the case of steamer journeys in which all fares below Rs. 5 shall be paid in cash.

(2) The passage warrants shall be in the prescribed form and bound in counterfoil book with duplicates. Full details must be given of the number of prisoners and the number and class of tickets required. Credit notes shall be signed by the Superintendent or in his absence by the officer acting for him or the Jailer.

1022. The pay of establishment shall be drawn on the forms prescribed in Assam Schedule III and according to the sections shown in Appendix I to the Treasury Orders in the Assam Financial Rules. Reference is also invited to Subsidiary Order No. 47 under the Treasury orders.

1023. Travelling allowances shall be drawn separately from other charges on forms prescribed in Assam Schedule III, and the travelling allowance bills of Jailers shall be submitted to the Inspector-General.

Adjustment of accounts where charge made against a jail by other departments.

Use of passage warrants for prisoners' journeys.

Pay bills.

Travelling allowances.

of Prisons for his countersignature before they are presented for payment. The travelling allowance bills of Head Warders and warders shall be encashed under the signature of the Superintendent of the jail concerned and shall require no further countersignature.

Closing of monthly accounts.

1024. Contingent charges are to be recorded and treated in the accounts as charges of the month in which they are actually disbursed from the Treasury. The charges incurred each month should therefore as far as possible, be drawn from the Treasury during the same month. *See rule 6 of the Assam Contingency Manual. See Subsidiary Orders No. 58 to 60.*

Preparation of abstract bills.

1025. When the accounts are closed, a bill in the prescribed form including all expenditure incurred up to the date of closing the monthly accounts and not previously drawn from the Treasury, shall be prepared and presented for payment. Before signing, the Superintendent should see that the amount of the bill is already entered in words in such a way as to make subsequent alterations impossible.

NOTE.—See Rules 20 and 21 of the Assam Contingency Manual.

Preparation of detailed bills.

1026. (1) For all sums drawn from the Treasury on abstract bills during the previous month, a detailed bill in the prescribed form headed "not payable at the Treasury" shall be prepared and submitted to the Inspector-General.

(2) The date of payment by the Treasury of each abstract bill should be entered in the place provided for the purpose at the foot of the detailed bill. *See rules 33 and 34 of the Assam Contingency Manual.*

Submission of vouchers.

1027. The Superintendent shall in support of every charge of more than Rs. 25 on the detailed bill submit to the Inspector-General direct, vouchers signed by the person to whom payment was made. The first bill in each year on account of rent shall be supported by the Executive Engineer's certificate. *See item 47 of Appendix B, Assam Contingency Manual.*

Arrangement of vouchers.

1028. The vouchers and receipts in support of the charges included in the detailed bills should be stitched together in the order in which the entries they support appear in the bill and should be forwarded to the Inspector-General direct. *See also last part of rule 20-Assam Contingency Manual.*

Audit of detailed bills.

1029. The detailed bills shall be audited in the Inspector-General's office and forwarded to the Comptroller. An item disallowed by the Inspector-General must be adjusted by short drawal on the next abstract bill, but the gross amount of the abstract bill and not the net amount, must be shown in the body of the next detailed bill. If the objection is afterwards withdrawn, the amount re-allowed can be drawn on an abstract bill and entered in the foot of the bill under "Add amount of disallowance refunded." *See rule 38 of the Assam Contingency Manual.*

Date of sub-mission.

1030. The detailed bills with vouchers and receipts in excess of Rs. 25 together with a memorandum in duplicate, showing the details of contingent charges and a statement of sums drawn from the Treasury and disbursed shall be submitted so as to reach the Inspector-General

not later than the 10th of the month following that to which they relate. As the date of despatch of bills to the Comptroller depends on their reaching the Inspector-General in good time, punctuality must be observed. *See rule 20, Assam Contingency Manual.*

1031. The following certificate shall be attached to the first abstract bill presented at the Treasury after the 10th of the month, without which no payment will be made. *See rule 20 of the Assam Contingency Manual.*

“Certified that all detailed bills for sums drawn on abstract bills in previous months (except those noted below which have been refunded into the Treasury) have been forwarded to the Controlling Officer for signature on or before the 10th of this month.”

1032. The instructions for the maintenance of contingent registers are contained in Rules 31 to 33 of the Assam Contingency Manual.

1033. Defalcations or loss of public money, departmental receipts, stores, or other property shall be immediately reported to the Inspector-General and to the Comptroller even when the loss is made good by the person responsible for it. When the matter has been fully enquired into, a further and complete report should be submitted of the nature and extent of the loss, showing the errors or neglect of rules by which such loss was rendered possible and the prospects of effecting a recovery. The submission of such report does not debar or absolve the local jail authorities from taking any further action that may be deemed necessary.

1034. The *acquittance roll* is a list of the subordinate establishment of the jail, with the pay of each member. Every officer shall affix his signature to the roll each month in token of having received the amount shown as due to him, and if it exceeds Rs. 20, shall affix a receipt stamp and sign his name across it. Before the pay of any officer who has to furnish security and has not paid up the full amount of security required, is paid to him, the deduction shall be made, and only the balance shall be paid to him. *See Subsidiary Order 123 in the Assam Financial Rules.*

Certificate to
first abstract
bill.

Contingent
Register.

Defalcations.

Acquittance
Roll.

CHAPTER LIX.

THE MANUFACTURING DEPARTMENT.

SECTION I.

General rules.

Manufactory
to be kept
separate.

1035. In every jail there shall be a manufacturing department distinct from the general department and with distinct registers, accounts, and returns. Neither manufactory receipts nor charges shall be entered in the General Cash Book

Custody of
raw mate-
rials and of
manufactur-
ed articles.

1036. In the larger jails, the raw materials required for manufacture, manufactured articles, and all books and accounts relating to this department shall be in charge of an Assistant Jailer to whom the Superintendent shall delegate these duties. This shall not, however, relieve the Jailer of his general responsibility for the safe custody and proper expenditure or disposal of the manufactory stores. In jails where there is no Assistant Jailer, these duties shall be performed by the Jailer.

Department
of Industries
to give ad-
vice.

1037. The officers of the Department of Industries shall furnish, free of cost, when called upon to do so, any expert advice that may be required by jails on technical matters of equipment and management of industries or manufactures.

Obligation
on consum-
ing depart-
ments of
Government
to purchase
certain jail
articles.

1038. The purchase from jails of textiles of all kinds and certain articles of furniture shall be obligatory on consuming departments of Government in so far as jails are in a position to supply such articles.

Supply of
uniform by
jails.

1039. Departments of Government which require articles of uniform for their officers or for village chaukidars shall give jails the first refusal of contracts.

Jail Depart-
ment may be
penalised for
failure to
fulfil con-
tract.

1040. Consuming departments of Government, in the event of failure of the Jail Department to complete supplies under the contract within the stipulated time, shall be empowered by a clause in the contract to get their supplies elsewhere and to debit, subject to the specific orders of Government in each case of default, against the Jail Department the excess of the market rates over the jail rates.

Intimation
of require-
ments of
Government
departments
to be given
in due time:

1041. Consuming departments of Government shall make it a standing rule to intimate their requirements sufficiently in advance at the beginning of the official year so that the jails may be able to estimate and to make arrangements for undertaking any particular work.

Annual Ad-
ministration
Report to
note.

1042. Reports from heads of departments as to the satisfactory character or otherwise of supplies made by the Jail Department shall be obtained by the Inspector-General and submitted to Government along with the Annual Jail Administration Report.

1043. The budget allotment for manufactures shall be communicated to Superintendents at the beginning of each official year by the Inspector-General. No Superintendent may without previously obtaining an extra grant exceed the amount provided. When the sanctioned allotment is found insufficient, timely application should be made to the Inspector-General for a further sum with an explanation of the requirement; otherwise a Superintendent who exceeds his annual grant will be held responsible for the excess.

Adherence to
budget allot-
ment.

1044. (1) Subject to the provisions of Rule 1017 Superintendents may incur expenditure (up to the budget allotment) in the purchase of raw materials but they are expected to exercise discretion in their dealings and to avoid the accumulation of unnecessary stocks. All purchases shall be made, after full enquiry in the cheapest market, and in the case of large purchases tenders should be called for. Frequent petty purchases shall, as a rule, be avoided as the purchase of larger quantities, likely to be utilised within a reasonable time, will, especially if prompt payment is made, probably be less costly.

Purchase of
raw mate-
rials.

(2) As regards forest produce required for the Jail Department, the supply should as far as possible be arranged through the Forest Department which will endeavour to supply from or through the nearest and most economical source of supply. Except where specially exempted under the rules or under special orders of Government royalty will be payable in all cases.

1045. (1) For articles made for use in the Jail General and Manufactory Departments no credit for wages and profits shall be taken in the manufacturing accounts. Credit will be taken only for the price of materials including loss and other incidental charges actually incurred in the process of manufacture. This rule shall apply to all supplies made to the same or other jails within the province. It will also apply to expenditure debitible to jail building grants.

Fixation of
prices of
manufactur-
ed articles.

(2) To enable the jail authorities to determine the sale prices, each jail factory shall maintain a book of estimates in which it will record, in the case of each kind of manufactured goods, full details of—

- (a) the price of materials;
- (b) estimated wages of labour;
- (c) percentage of wear and tear of tools;
- (d) percentage of profit calculated on the total of (a) and (b).

In estimating the wages, the wages charged by free labour for the same kind of work shall be entered, and not the wages of prisoners employed calculated at an arbitrarily—fixed *per diem* rate. In other words, prison labour shall be assessed on the basis of actual outturn in terms of the market value of free labour. For instance, in fixing the price of chair, the ordinary wages of a free labourer in making such a chair should be ascertained by local enquiry, and then taken into account as the value of the earned wages, without reference to the actual number of prisoners employed or their daily task.

1046. Profits should be calculated at 10 per cent. for Government departments within the province and for wholesale dealers and at 25 per cent. for private purchasers. For goods supplied to retail dealers

Calculati on
of profit.

the profit may be taken at 15 per cent. which will also be the rate in calculating profits in the case of goods supplied to the Central and to other provincial Governments.

Limitations **1047.** The prices finally fixed shall be subject to the following to sale price. conditions, namely:—

- (a) for manufactured goods for Government departments the price shall in no case be higher than the market price;
- (b) for goods for sale to the public the price shall in no case be lower than the market price of articles of similar quality.

Concessions **1048.** Government officials who are required to provide themselves in price of with uniform at their own cost may be supplied, on indents counter-uniform to signed by a Gazetted Officer, with jail-made drill-white or khaki—at the rates charged to departments of the provincial Government, provided that the supplies are intended for making uniform for the personal have to pro- own of the officers concerned and that the quantity indented for is not vide their in excess of ordinary requirements.

Revision of price once fixed. **1049.** If on account of long storage or for any other cause it is found necessary to revise the sale price of an article once fixed in accordance with Rules 1046-1048, the Superintendent shall submit a report to the Inspector-General explaining fully the reasons for the revision and obtain his sanction to the disposal of the article at the revised price.

Sale room for jail goods and price list. **1050.** A sale room with samples of jail manufactures may, with the approval of the Inspector-General, be provided outside the jail near the main gate. It shall be under the control of the Jailer and regular accounts must be kept of all articles received and sold. A general price list of goods made in jails should be circulated to Government departments and will be available to members of the public on application.

SECTION II.

Account Rules.

Account Books. **1051.** A list of books to be kept by the Manufacturing Department will be found in Chapter LVI.

Cash Book. **1052.** The cash book shall be kept on similar principles to that of the General Department (*see* Rules 1000-1). The receipt side shall include sums received from Government on bills for raw material, machinery, etc. as well as sums received from purchasers; the expenditure side shall include the disbursements on raw materials, etc., and the payments into the Treasury of the proceeds of manufactures.

Credit of money into the Treasury. **1053.** Sales for which cash has been received on the day of sale need not be separately entered; it will be sufficient to enter "Cash sales as per Sale-Book". Money realised from sales for cash and from credit sales of previous month shall always be paid into the Treasury when the sum of Rs. 50 has accumulated, and irrespective of the amount on the last day of every month, and a duplicate Treasury receipt for the amounts, signed by the Treasury Officer, shall be attached to the monthly statement of departmental receipts, submitted to the Inspector-General's office.

1054. Small items of expenditure shall be met either by a separate permanent advance allowed to the Manufacturing Department or else by the assignment from the General Department of a portion of its advance.

1055. (1) On receipt of any raw material or article of any kind for use in the Manufacture Department, whether it has been paid for or not, full details shall on the same day be entered on the receipt side of the day-book of raw material and stock, of the description, quantity, weight or measurement of the material or article, from whom purchased, and the price and value, if then known. When the article is paid for, the date of the entry of the payment in the cash book shall be noted in this register, also the cost, if not previously entered, and, subsequently, the number and date of the abstract bill in which each item is included. Besides stock, all charges, such as railway freight, coolie-hire, cartage, etc., shall likewise be entered on the receipt side of this book. Every article issued from raw material stock shall on the day of issue be entered in the disbursed side of this account.

(2) The entries on the "disbursed" side shall also include the loss of stock by accident or theft, sale of useless stock, and deterioration in value in stock-taking. Ordinarily, the value of an article entered on the disbursed side need not be stated in this register, as provision for this detail is made in the ledger of raw materials, in which a monthly valuation in regard to issues for each manufacture is sufficient, but when the sale of material or stock is effected, the amount for which sold should be entered in the columns provided for the purpose.

1056. From the "Day-book of raw materials and stock" every item shall be posted daily into the "Ledger of raw materials and stock". The difference between the two books is simply that entries in the former shall follow the order of time, while in the latter they shall be arranged under the respective heads of the different kinds of stock. Petty items of charges which do not appertain to stock kept in hand may be entered in one account under the head "Miscellaneous".

1057. (1) Every article produced in the Manufactory Department shall be entered on the receipt side of "Store and sale book of manufactured articles", on the day it is taken into the godown; and on the other side shall be recorded every sale as it takes place or despatch of goods to other jails and departments, likewise any manufactured stock lost, used in the process of other manufactures, or otherwise disposed of. This book is unarranged, and the entries shall be made from moment to moment, as any transaction takes place.

(2) The entries shall then be posted in the ledger of manufactured articles, in which a few pages shall be devoted to each article. This posting up shall be done daily. Sales, whether for cash or credit, shall be included in both these books, and it shall be specified for which of the two an article was sold. Cash receipts will of course correspond with entries in the cash book, receipt side.

(3) Credit sales shall be further posted up in the personal ledger of credit sales, in which a page shall be devoted to each person keeping an account with the jail.

Cost of articles supplied to the General Department of the Jail.

Adjustments in case of articles lost or sold for less or more than market value

1058. In the case of goods supplied from the Manufactory Department for use in the jail or to other jails, both the market value and actual cost price of goods shall be entered in the "Store and Sale Book."

1059. (1) If articles are destroyed or lost, a note shall be made of the circumstances and the value of the articles.

(2) If an article is sold for less or more than the value put upon it in the stock account, it will be necessary to add or deduct the difference, as the case may be, to or from the amount for which sold before deducting the latter from the value of the whole stock, in order to show the correct value of the quantity remaining in store. Columns for recording such differences are provided in the day book and ledger and in column 18 of Part B of the quarterly return of manufactory account transactions.

Balancing of the ledgers.

1060. After posting into the ledgers of raw materials and of manufactured articles a reference shall be made in the day book of raw materials and in the store and sale book to the page of the ledger in which the entries are pasted up. At the end of each month, totals shall be made in the ledger and the balance of a stock in hand with its value, shall be shown. A new page shall generally be opened for a new month to which the balance in stock must be carried forward.

Entries of purchaser in store and sale book.

1061. In the store and sale-book, the purchaser's name need not be entered in case of cash sales of articles of the value of less than one rupee, and several articles of the same kind and value thus sold may be lumped up; but if the article is sold for credit, the purchaser's name shall be entered.

Register of Tools and Plant.

1062. The Register of Tools and Plant shall be examined daily by the Jailer so as to ensure that all tools, etc., issued in the morning for work have been correctly received back in the evening. This examination is required as some of these tools are dangerous implements and might be used as weapons of offence or as means of escape.

Supplementary account instructions.

1063. Rule 1072 contains certain supplementary instructions for the compilation of accounts and of returns in the Manufacturing Department with particular reference to goods manufactured for jail use.

Verification of stock by Superintendent.

1064. The Superintendent shall, every six months, as soon as possible after the 30th June and 31st December of each year, take stock of all stores, machinery, plant, tools, raw materials, manufactured articles, live and dead-stock belonging to the jail (except grain in bulk which he shall cause to be weighed at the close of the year only) and satisfy himself that the stock and plant in hand are equivalent to the balances shown in the books on those dates. Before ordering fresh stock of any kind he shall scrutinise the existing stock as well as consider the future needs in order to prevent over-stocking. His half-yearly examination shall accordingly include also a definite enquiry whether there is a surplus stock under any head, and if so, and if it is not likely to be worked off before deteriorating, it shall be disposed of

without undue delay. He shall also see at his examination whether there are any unserviceable articles and arrange for their disposal or write-off. In cases requiring the sanction of the Inspector-General, the Superintendent shall forward a statement showing details of the surplus or unserviceable stock with their value. Immediately after each of these verifications he shall submit to the Inspector-General a certificate of correctness of stock in the prescribed form showing the result thereof with a full explanation of the discrepancies found. He shall also from time to time inspect all stock and other property of Government—Manufactory and General—in the jail and record the fact of his having done so in his minute book.

1065. Returns of the Manufactory Department are dealt with in Chapter LX.

For general principles for the keeping of accounts a reference is invited to Chapter LVIII.

Manufactory
Returns and
general prin-
ciples of ac-
counts.

CHAPTER LX.

STATISTICAL AND OTHER RETURNS.

1066. The following schedule enumerates the returns to be forwarded by Superintendents to the Inspector-General and to other offices with the dates of despatch : -

New Form No.	Names of returns and bills.	Date when due.
References are to schedule XLIV (Part I) unless otherwise stated.	<i>Fortnightly.</i>	
93	Release notice of prisoners ...	To Superintendent of Police on 1st and 16th of each month.
133	Return of under-trial prisoners detained for more than a fortnight.	To Magistrate on 1st and 16th of each month.
42	Return of prisoners ...	On 1st and 16th of each month for District Headquarter Jails but monthly on 1st of each month for Subdivisional Jails.
	<i>Monthly.</i>	
41	Monthly return of prison statistics ...	7th of each month
43	Monthly medical return ...	7th of each month.
47	Monthly return of offences and punishments and changes in the Warder Establishment.	To be submitted by the Circle Superintendent on the 12th of each month.
(Schedule III, Nos. 37 and 39).	Detailed countersigned contingent bills (General and Manufactory).	10th of each month.
44	Memorandum showing details of contingent charges.	Ditto.
48	Statement of sums drawn from treasury and disbursed.	Ditto.
48A.	Dairy Account	Ditto.
45	Statement of subsistence money paid for transfer charges.	To be enclosed with bills
46	Statement of departmental receipts	12th of every month.

New Form No.	Names of returns and bills.	Date when due.
	<i>Monthly.</i> --concl'd.	
51	Monthly return showing the actual cost and market value of goods manufactured for and supplied to jails.	12th of every month
	<i>Quarterly.</i>	
52	Quarterly return of manufactory account transactions (Parts A to F).	Within one week of close of each quarter.
	Statement of expenditure debitable to Manipur State for transfer and detention of prisoners who are not British subjects.	Due from Sylhet and Silchar jails immediately after close of each quarter.
	<i>Half-yearly.</i>	
49	Half-yearly abstract of accounts of stores and dead-stock not belonging to the manufacture department.	Within 15 days after close of each half-year.
53	Half-yearly certificate of correctness of stock.	Ditto.
	Half-yearly return of State prisoners.	1st January and 1st July.
	Half-yearly report of health and mental condition of recovered criminal lunatics.	15th February and 15th August.
	<i>Annual.</i>	
	Annual confidential report on subordinate jail officers of the superior establishment.	1st January
54	Annual general summary showing the distribution of the prisoners of all classes confined in jail.	10th January.
55-60	Annual Statements I to VI ...	...
63-64	Annual statements IX and IXA ...	...
66	Annual statement XI ...	...
67	Annual statement XIII ...	...
67A	Annual statement XIII ...	...
68-71	Annual statements XIV, XV, XVII and XVIII.	...
72-74	Annual statements A, B and C	...
	Annual Inspection statement (Provincial statement A).	Ditto.
77	Annual subsidiary statements ...	Ditto.
78	Annual return of sick prisoners ...	Ditto.
79	Sanitary sheet to be attached to the above.	Ditto.

New Form No.	Names of returns and bills.	Date when due.
<i>Annual.</i> --concl'd.		
80	Jailer's certificate of correctness for warrants (<i>See rule 164</i>).	10th April.
Budget estimate	...	15th August.
Annual Jail Report	...	15th January.
Indent for stationery	...	Within 1st week of July.
Indent for forms	...	To be submitted to the Forms Department on dates prescribed.
106	Indent for prisoners' cotton clothing...	1st December.
106	Indent for prisoners' woollen clothing	1st June.
106	Indent for warders' uniform	1st March.
125	Indent for ammunition arms and accoutrements.	1st March.
134	Estimate of probable quantity and value of stores required from England.	1st June.
(Schedule III, No. 6.)	Detailed settlement of permanent establishment on 1st April (Jailer staff and Head Warders).	Immediately after the close of each financial year, consolidated statements of Head Warders to be submitted by Circle Superintendent and Superintendents of Hill District jails only.
107	Certificate of possession full amount of permanent advance.	To Comptroller on 4th April.
107	Estimate for execution of Public Works by Superintendent of Jail.	When necessity arises.
102	Roll of prisoners released on account of sickness under Rule 568.	Immediately after release.
103	Roll of prisoners recommended for release on account of sickness under rule 568.	When necessity arises.
104	Roll of prisoners recommended for release on account of bodily infirmities under Rule 569.	Ditto.
97	Report of escape of prisoners	Immediately after escape.
98	Report of recapture of prisoners	Immediately after recapture.
101	Daily cholera report	Till cholera subsides.
81	Descriptive roll of prisoner appointed as convict overseer when not eligible under the rules.	Immediately after appointment.
96	Application for sanction for appointment of convict warder.	When necessity arises.
118	Letter reporting change of Superintendent.	When change is effected.
119	Inventory of articles made over and received on charge of Jailers.	Ditto.
	Revision of sentence sheet	When necessity arises (<i>vide</i> Chapter LIII.).

1067. The following instructions are to be followed in compiling the monthly return of prison statistics:—

(1) Under each of the columns against the heading "Maximum number," etc., in Part I-B, the highest number of males, the highest number of females, and the actual highest population made up of the two sexes should be shown in their respective columns, even if these figures may occur on different dates. The following will serve as an illustration:—

Instructions for compiling the monthly return of prison statistics.
(Form No. 41.)

Date.	Males.	Females.	Total.
Say, 1st February ...	30	5	35
„ 3rd „ ...	27	10	37
10th „ ...	15	20	35

Here the result will be 30 males (1st February), 20 females (10th February), total 37 (3rd February). The column headed "Total of all classes" should represent the actual greatest population of prisoners, considered by each sex, and not the sum total of the maxima of the different classes shown in the preceding columns.

(2) On the return to jail of any convicts released on bail or of prisoners who escaped and are recaptured, they shall be again entered as admitted in column 3 of Part I-A. When the return to jail or recapture is affected in the same year as the release on bail or escape takes place, details of such prisoners shall not be entered twice in Parts II, III, XI and XII of the return, *i.e.*, they shall not be included in these parts on the return of the prisoners to jail from being at large on bail and on recapture. But prisoners who were released on bail in one year and re-admitted into the jail during the following year, as well as prisoners who escaped in one year and were recaptured during the following year, shall be included in those parts. These instructions also apply to cases of convicts sent to a lunatic asylum and returned after recovery to serve the remainder of their sentences.

(3) The total of the figures in Part IX must agree with the total of labouring convicts in Part I-B, unless non-labouring prisoners elect to labour and are included in the labour distribution register. If there is any discrepancy on this account it should be explained in a foot note.

(4) When any term or life transportation prisoners are transferred from one jail to another, they shall be entered in column 6C of Part I-A, and the receiving jails shall enter them in column 4B of that part. When prisoners get remission and are transferred to their district jails for release, the receiving jails

shall, on admission enter them in column 4A, and on release shall show them in column 7 under the proper head. The jails from which they are transferred shall enter them in column 6A of that part.

(5) In column 4, under head "From Subsidiary Jail," of Part VI, only civil prisoners, (if any) who were admitted and registered in the subdivisional jails and then transferred to the district jails for confinement, shall be included. Those who have not been in subdivisional jails but are sent direct from the Munsif's Court, shall be entered in column 2 of this part. Under-trial prisoners, who are committed to the Sessions and transferred from the Magistrate's *hajat* to the district jail, as well as convicted prisoners, shall be included in column 2 of Parts VII and I-A. Under-trial prisoners who are committed to the Sessions by the Subdivisional Officers and sent to district jails shall be entered in column 5 as received "from subdivisional jails for trial."

Monthly medical return.
(Form No. 43.)

1068. When a case is discharged "otherwise" and re-admitted for a second disease, it should be distinctly noted in the monthly return that the disease for which the prisoner was originally admitted has not been struck out, and that the fresh admission is for a disease unconnected with it.

When under-trial prisoners are admitted into jail hospitals and are subsequently committed, it is not necessary to discharge the cases "otherwise" in the Sick Return. Such cases should be noted in the remarks as having been transferred from the under-trial column to the convict column on the date of conviction.

1069. The "hire of bedding for civil prisoners" should be credited in the cash-book of the manufactory accounts, and not in the General Cash Book of the jails and subdivisional jails.

Monthly statement of Departmental receipts.
(Form No. 46.)

Half-yearly abstract of accounts of stores and dead-stock not belonging to the manufacture department.
(Form No. 49.)

1070. This return shall be compiled from the stock account of provisions and stores, and the items of stock in each shall, to facilitate comparison, be arranged and classified according to the heads of charge under which the cost is included in the bills, with which the entries in column 3 ought to agree, if all stock procured in the course of a month be paid for on or before the end of that month, as required by the rules of the Financial Department. Articles received from the Manufactory Department or from other jails, and all bye-products and entries in accounts which do not represent original purchased stock, such as rice and *khudi* produced from *dhan*, flour from wheat, *dal* from pulse, bran, oil and oil-cake, etc., shall be entered in this return in red ink and separate totals shall be made of the black and red ink entries. If the black ink totals of column No. 3 do not agree with the totals of the contingent bills, the cause should be explained. This return also compares the outturn of oil and oil-cake, rice, *dal*, etc., with the quantity of seed of grain expended to produce these articles, a matter to which every Superintendent should give careful attention. Dairy transactions will be shown in parts C, D and E provided for them. Dead-stock can only be lost, or be rendered unserviceable, and therefore be sold or destroyed, when it is so, and entries of this nature appear in the return explanatory remarks shall invariably be made.

1071. Credit shall be taken in the annual accounts for all amounts realised by the sale of spare vegetables, fruits garden and dairy produce, old or damaged stock, etc., belonging to the general department under the heads of account to which the items respectively belonged. All such sales shall be shown in the monthly statement of departmental receipts. [See Rule 1073].

1072. (1) The entries to be made in Part A of the quarterly return of account transactions are to be abstracted from the raw materials ledger. The total of column 4 will agree with the monthly detailed bills, provided all stock is paid for in the month in which it is received, as required by the Financial Department. If there is any discrepancy between these columns and the bills it must be explained in a foot note. Any entry in column 11 "lost or rendered unserviceable" must be explained in the column for remarks. In Part B will be given an abstract of the totals of the ledger of manufactured articles. The entries should be arranged according to the manufacture in the same order as the several manufactures are classed in Part A to admit of the ready comparison of the expenditure of material, etc., shown in column 8 of Part A with manufactured articles procured and shown in column 3 of Part B.

Part E accounts for the realisation of cash on account of sales, etc., and its payments into the treasury; also the receipt and submission of countersigned bills and vouchers for goods and prison labour supplied to jails or other departments of Government. The entry in column 4 of this part should be compared by the Superintendent with the entries in the Treasury remittance vouchers.

(2) When manufactured articles are used for the ordinary purposes of the jail in which they are produced or are supplied to other jails within the province the actual cost of materials used shall be a charge against the jail supplied, but the market value shall be credited in the manufacture accounts of the producing jail. To enable the Inspector-General to adjust these transactions, Superintendents of supplying jails shall furnish him with invoices in Form No. 109, duly countersigned by Superintendents of the receiving jails shortly after every transaction is completed. This invoice shall be despatched to the Superintendent of the Jail supplied in triplicate on the day the goods are despatched, and a copy shall be countersigned and returned to the Superintendent of the supplying jail immediately on receipt and verification of the goods. The countersigned invoices for each month's transactions shall be submitted to the Inspector-General by the Superintendent of the supplying jail on or before the 12th of each succeeding month, along with the statement of jail supplies (Return No. 51). In respect of articles used in the jails in which they are produced entries should be made in column 10 of Part B of Return No. 52 and in column 6 of Return No. 49. Miscellaneous Form No. 109 shall show both market value and actual cost of such articles.

(3) A separate account should be kept in the Manufacture Department of the cost (being actual cash outlay of every description) of all materials required for the manufacture of articles for the use of prisoners of the manufacturing jail or of other jails. In the case of manufactured goods (such as mustard oil, clothing, etc.), partly sold for

cash and partly required for prisoners' use, two separate accounts shall be kept of each.

When purchasing raw materials, partly for prison consumption and partly for sale, the proportionate cost should be debited to the heads "Services and Supplies" and "Purchase of raw materials," respectively.

Dhan and pulse, *atta*, maize, or other grains ground for prisoners' rations only, and the produce of the dairy, land of fish ponds, shall not be included in the manufactory accounts. Cash expenditure for such items shall be included in the general contingent bills, and accounted for in Return Form No. 49 and no charge whatever shall be made for prisoners employed on such works.

(4) In the quarterly return in Form No. 52 of manufactory account transactions a statement shall be included showing both the actual cash outlay and the market value of goods manufactured for prisoners' use. The information in column 4 is required in the office of the Inspector-General to enable him to show in the body of the Annual Report the saving to Government, and also the additional earnings from the jail labour of manufacturing jails, which are not accounted for elsewhere in the annual printed statements.

(5) In respect of supplies furnished by jails to other departments of Government of this province or to the Central and other provincial Governments, all monies due shall be adjusted by book transfer except when such procedure is unsuited to the business methods of the receiving department concerned, as for instance Dairy Farms, when remittances shall be made in cash. An invoice in Miscellaneous Form No. 110, showing the value of the articles supplied supported by a voucher in Miscellaneous Form No. 116 shall be presented to the local head of the department for his countersignature, after which it shall be forwarded to the Inspector-General of Prisons, who shall see that the supplying jail is duly credited, and the department supplied charged, with the amount in his monthly accounts. Such invoices should be sent to the officer supplied in triplicate, immediately after each despatch of goods; if there is any unreasonable delay in returning these vouchers, reminders should be sent. All countersigned invoices for each month's transactions shall be submitted to the Inspector-General by the Superintendent of the supplying jail along with his statement of departmental receipts not later than the 12th of each succeeding month. A list of all supplies made to other jails and departments shall accompany the quarterly return in Form No. 52.

(6) Part C is an abstract of Parts A and B of the return arranging on the one hand all assets, and on the other all debit items, so as to show the profit or loss resulting from the quarter's transactions. At the close of the year, before this account is credited with the value of plant and machinery in hand, a deduction of 5 per cent. from the value of all machinery, and 10 per cent. from that of other plant, in hand at the beginning of the year shall be made. This deduction shall be shown in column 11 of Part A "lost or rendered unserviceable." In

large jails with expensive machinery, it should be made in two half-yearly instalments of $2\frac{1}{2}$ per cent. or 5 per cent. in the case of other plant, but always on the value at the beginning of the year.

(7) Part D compares cash receipts and departmental credits, columns 5, 13 and 14, with cash expenditure, column 2G of Part C, on the system adopted by the Government of India in their Annual Return Form No. XII-A (column 7.).

(8) When uniforms are supplied to paid warders at the cost of Government or at their own expense, the Superintendent of the receiving jail shall countersign and return to the supplying jail an invoice for the cost, and include the amount in column 6, section I, Part A of the quarterly return in Form No. 52. The articles shall then be written off Part A, column 8, and included in column 3 of Part B of the return as manufactured articles received into store. An account of them shall be opened in the ledger of manufactured articles from which, when sold to the officers requiring them, they shall be written off. The cost shall be realised in the usual course and paid into the Treasury with other sale-proceeds. In such cases a note should be made at column 6 of Part A, indicating that the entry is for uniforms and from what jail they are received.

(9) Outstanding on account of hire of convicts as well as on account of credit sale of manufactured articles should be shown in Part F.

1073. At the foot of Statement IX a note should be added to the effect that the cost of jail-grown produce supplied to the prisoners is not taken into account in estimating the average cost of maintenance per prisoner.

Annual Jail
Administration Report.

CHAPTER LXI.

PRESERVATION AND DESTRUCTION OF RECORDS.

Classification of records shall, for purpose of preservation or destruction, be classified under seven heads :—

- A.—Those to be preserved permanently ;
- B.—Those to be kept for 35 years ;
- C.—Those to be kept for 12 years ;
- D.—Those to be kept for 6 years ;
- E.—Those to be kept for five years ;
- F.—Those to be kept for three years ;
- G.—Those to be kept for two years.

Arrangement of records.

1075. Each of the seven classes of records shall be so arranged as to make it easy, at the proper date, to select those which have to be destroyed, and, if possible, each class shall be kept separate from the other. Government orders and circulars of the Inspector-General shall be bound annually.

Disposal of correspondence.

1076. The Superintendent shall exercise his discretion as to the classification of letters and correspondence, except in regard to documents bearing on the following subjects, which shall be permanently preserved :—All letters and documents relating to standing orders, important public works and manufactures, orders of Government sanctioning establishment, the release of prisoners before expiry of sentence, the acquisition and renting of land, pensions, and any permanent charge upon Government, and correspondence regarding escapes when the prisoner is not recaptured. The bundles to be permanently preserved should be marked with a coloured slip of paper, and at the close of each year be placed in the receptacle for permanent records.

Records to be permanently retained.

1077. The following are the records in class A which shall be permanently preserved :—

- Register of convicted prisoners admitted.
- Register diary of convicted and civil prisoners.
- General Cash Book.
- Manufactory Cash Book.
- Warden's Service Register.
- Report of escape of prisoners not recaptured.
- Circulars of the Inspector-General.
- Government orders.
- Register of Security Deposits.
- Printed Annual Administration Report of the Jail Department.
- Correspondence specifically referred to in the preceding rule and especially :—
- Records connected with expenditure which is within the statute of limitation.

Records connected with expenditure on projects, schemes or works not completed, although beyond the period of limitation.

Records connected with claims to service and personal matters affecting persons in the service.

Orders and sanctions of a permanent character, until revised.

1078. The following are the records in class B which are to be preserved for 35 years and then destroyed :—

Annual establishment return.

Acquittance rolls for pay and other allowances.

1079. The following are the records in class C which shall be preserved for twelve years and then destroyed :—

Jail Annual Administration Reports and Returns.

Jail Annual Sanitary Report and Medical Returns.

Jailer's Report Book.

Superintendent's Minute Book.

Visitors' Minute Book.

Medical Officer's Minute Book.

Register of under-trial prisoners.

Register of civil prisoners.

Register of punishments inflicted on prisoners.

Register of letters received.

Register of letters issued.

Hospital Register and Register of deaths.

Stock-book of provisions, stores, and dead-stock.

Diet roll.

Day-book of raw materials, dead and live-stock.

Store and sale-book of manufactured articles.

Ledger of raw materials, dead and live-stock.

Ledger of manufactured articles.

Ledger of credit sales.

Inventory of articles made over and received on change of Jailers.

1080. The following are the records in class D, which shall be preserved for six years and then destroyed :—

Pay bills (not containing acquittances).

1081. The following are the records in class E which shall be preserved for five years and then destroyed :—

Register of contingent expenditure.

Detailed Budget Estimates.

Register of Clothing and Bedding

Stock-book of stationery forms.

Records to
be kept for
35 years.

Records to
be kept for
twelve years.

Records to
be kept for
six years.

Records to
be kept for
five years.

Register of live-stock account of fodder, etc., purchased for the maintenance of cattle.

Ammunition Register.

Register of Tools and Plant received and issued.

Counterfoils of Indents.

Gate Register of Articles.

Office copies of all monthly, quarterly, half-yearly and annual returns and statements.

Records to be kept for three years.

1082. The following are the records in class F which shall be preserved for three years and then destroyed:—

Leave accounts of non-gazetted Government servants.

Travelling allowance bills.

Vouchers for cash payments.

Records to be kept for two years.

1083. The following are the records in class G which shall be preserved for two years and then destroyed:—

All other papers not mentioned in the above rules, or in the next rule and in particular:—

Lock-up register for all classes of prisoners.

Daily abstract of all classes of prisoners.

Labour distribution register.

History tickets of convicts unconditionally released or who died.

Indents for jail and hospital clothing.

Reports of delivery of charge of office of Superintendent.

Gate Register of persons.

Special rules for disposal.

1084. The following papers shall be disposed of in the manner shown opposite each:—

(1) Magistrate's statement of previous history and crime of prisoners sentenced to transportation	To be filed with prisoner's warrant and retained as long as the warrant is in force.
(2) Notice of appeal-Proceedings of Courts of Appeal and Orders of Government on petitions from prisoners.	To be filed with prisoner's warrant and retained as long as the warrant is in force.
(3) Warrants for the production of prisoners under the Prisoners Act.	To be destroyed on the final disposal of the case.
(4) Remission cards	To be retained in the jail for a period of one year after the release of the prisoner to whom they relate.
(5) Records relating to the property of convicts.	To be retained for three months after the prisoner's death or disposal.
(6) Service Books	... To be preserved for 5 years after death or retirement, whichever is earlier.

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Note of posting of corrections.

Number of correction slip.	Rule to which correction made.	Initial of clerk and date.	Number of correction slip.	Rule to which correction made.	Initial of clerk and date.

Note of posting of corrections—contd.

Number of correction slip.	Rule to which correction made.	Initial of clerk and date.	Number of correction slip.	Rule to which correction made.	Initial of clerk and date.

Note of posting of corrections—contd.

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Note of posting of corrections—concl.

Number of correction slip.	Rule to which correction made.	Initial of clerk and date.	Number of correction slip.	Rule to which correction made.	Initial of clerk and date.

